

FINDINGS PACK

Assets of Community Value Policy Review
Communities and Housing Scrutiny and Policy
Development Panel

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2017

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Introduction

(Assets of Community Value Policy Review)

**Communities and Housing Scrutiny and Policy Development
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INTRODUCTION

This scrutiny was undertaken in response to a request from the Cabinet Lead for Communities and Housing.

The objective of this scrutiny was to investigate the effectiveness of the Council's current policy and processes in relation to Assets of Community Value. This statutory function had been introduced in 2013 and it was considered an opportune time to see the policies or procedures needed to be updated or streamlined.

The review included an extensive benchmarking survey together with interviews with members of the Assets of Community Value Panel

The Panel has made a number of recommendations seeking to:

1. improve the current policies and procedures;
2. to encourage more nominations; and
3. Encourage Councillors to play a greater part in this process to encourage more nominations, improve the quality of nominations and relieve the workload for officers administering this scheme.

Finally, my thanks go to officers of the Council who have given considerable time and commitment to this scrutiny review..



Councillor Diana Patrick
September 2017

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Recommendations

(Assets of Community Value Policy Review)

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RECOMMENDATIONS

- 1 It is recommended that Cabinet:
 - 1.1 agrees to the Council's website being updated to contain clear information for the public detailing exactly what an Asset of Community Value (ACV) is, how they can apply, what can and cannot be used as a reason for the application and the requirements for groups submitting nominations;
 - 1.2 agrees to Councillors being sent information to enable clear direction to be given to residents;
 - 1.3 agrees to the Local Plan be amended to include information on how the Council considers ACV applications;
 - 1.4 agrees to a review of the resources used by the Council to facilitate the ACV process;
 - 1.5 requests the Monitoring Officer to amend the Constitution to reflect the Cabinet's delegation of authority to determine nominations for the listing of AVCs to the Cabinet Lead for Communities and Housing (Minute 83/3/2013); and
 - 1.6 delegates authority to the Head of Communities and Housing to select up to three Councillors to sit on the Assets of Community Value Panel on a meeting by meeting basis, provided that these Councillors are not members of the Cabinet or where the asset concerned is not within their ward.

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Conclusions

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CONCLUSIONS

- 2.1 The Panel's review was instigated at the request of the Cabinet Lead for Communities and Housing. It was felt that the current process and procedure had been implemented upon the introduction of the Localism Act 2011, and a review of these was timely.
- 2.2 The Panel considered the relevant legislation, regulations and non-statutory guidelines in relation to ACV, while also conducting a benchmarking survey which considered and compared the Council's website, ACV process and nomination form in comparison with other local, similar and best practice local authorities.
- 2.3 The Panel considered the operation of the ACV process within the council. It was considered that the procedure was an extremely time-dependant process and although there were a number of prescribed stages there was considerable interpretation and ambiguity that required local determination for each nomination. Any changes to these processes had to take into account the limited resources available and the strict timetable imposed by legislation.
- 2.4 The Panel also considered that the officers' workload could be reduced and the process made more effective if Councillors are given a greater role in the procedure.
- 2.5 The Panel were pleased to note that the current process did not differ greatly from those at other councils, with the assessment procedure reflecting well from the comparison. Similarly, the Council's nomination form was similar to those at other local authorities. However, the Council considered that a more structured approach to the process incorporating distinct deadlines for the different stages would benefit the Council by ensuring that the process is controlled to ensure sufficient time is given to allow for call in by Councillors.
- 2.6 It was felt that the Council's website could be improved as the amount of information available was less compared to other local authorities. The legislation aimed at furthering community involvement in their areas, and residents may be put off or unaware of the ACV process, so further information was needed on the Council's website. The Panel feel that the key details to be made available to the public are as contained within recommendation 1.1.
- 2.7 Further to this aim, the Panel felt all Councillors should receive further information on the ACV process, to enable clear direction and information to be given to residents.
- 2.8 The Panel also considered that the appointment of councillors onto the panel will give members greater involvement in the decision making process and at the same time give them an insight into the matters that have to be considered when determining a nomination. The selection of Councillors for the Panel should be on a meeting by meeting basis to give all those eligible

members an opportunity to gain experience of the process in action and increase their knowledge. Appointments to this Panel will not be permitted to members of the Cabinet or ward councillors where the asset concerned is within their ward.

- 2.9 The current process represented a loss to the Council, which had a duty to provide the administrative and assessment processes for nominations of ACVs. The Panel considered levying a small charge for the nomination process, recovering some of the costs. However, it has been advised that as this a statutory service, the Council cannot levy such a charge.
- 2.10 The Panel received information from the Planning Policy Team Leader, who highlighted the lack of information on ACV in the Council's Local Plan. As the current Local Plan is progressing through the formative stages, the Panel felt it was timely for recommendation 1.4 to specify the need for ACV information to be included in the new Plan.
- 2.11 From interviewing members of the Council's ACV Panel, members also felt that a review needed to be undertaken to ascertain the level of resource used by the Council in determining ACV nominations. The Panel felt that the legislation had introduced a lengthy process and wanted to ensure that officer time was available prior to any promotion of the ACV process.
- 2.12 The Panel also noticed that the Policy and Constitution did not reflect the current process and procedures, and believe these should be updated to the current format.

Panel Membership

(Assets of Community Value Policy Review)

**Communities and Housing Scrutiny and Policy Development
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Communities and Housing Scrutiny and Policy Development Panel

Review Lead:

Councillor Patrick

Panel Members:

Councillors Patrick, D Smith, Keast, Perry, Hart and Thomas

Cabinet Lead:

Councillor Turner (Cabinet Lead for Communities and Housing)

The attendance record for meetings of the Panel are shown below:

Attendance Record – Panel Members

Councillor	Total Expected Attendances	Present as Expected	Absences (inc. Apologies)
Hart	5	3	2
Keast	5	3	2
Patrick	5	5	0
Perry	5	4	1
Smith D	5	3	2
Thomas	5	2	3

Attendance Record – Guests

Councillor	Total Attendance
Ponsonby	2

Attendance Record – Cabinet Lead

Councillor	Total Attendance
Turner	4

Attendance Record – Scrutiny Board Chairman

Councillor	Total Attendance
Buckley	1

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List of Contributors

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Contributors to the Review

Who?	Contribution	When?
<i>Nicki Conyard, Community Manager</i>	Provided details of the Council's current policy and process, and assisted the review throughout	Throughout the whole review
<i>Alex Kirk, Assistant Solicitor</i>	Provided advice to Panel members and answered questions on the legal aspects of the Council's policy and procedure	August – September 2017
<i>Amanda Fincham, Corporate Support Manager</i>	Provided advice to Panel members and answered questions on the Council's policy and procedure	August – September 2017
<i>David Hayward, Planning Policy Team Leader</i>	Provided written responses to Panel members on planning aspects of the Council's policy and procedure	August – September 2017

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Methodology

(Assets of Community Value Policy Review)

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Purpose of the Review

To review the Council's Assets of Community Value Policy and Procedures.

Links with the Corporate Strategy and Business Plans

The review links to the key aspects of public service excellence within the Corporate Strategy, while also in-keeping with the drive for active and prosperous communities in the Borough.

Scope of the Review

The review set out to focus on the Council's role in relation to assets of community value within the Borough, comment on the process which the Council uses to adjudicate Assets of Community Value nominations and suggest improvements to this process. The Panel also explored ways Councillors could become more involved in this process. The review did not include a detailed examination beyond determination of a nomination as the Council's current procedures had not been tested in these areas.

In order to fulfil this aim, the Panel interviewed the Community Manager and received copies of the relevant legislation, regulations and non-statutory advice to gain an understanding of the duties on the Council. Panel members also received copies of the Council's policy and procedure, to appreciate the current method for dealing with nominations.

The Panel also met with the Assistant Solicitor, who gave further details on the legal aspects of the processes.

The Panel then conducted a benchmarking survey, which compared the Council's nomination procedure, evaluation criteria, nomination form and information available on the website, with those at other neighbouring and similar local authorities. Examples of best practice amongst local authorities were also included within the survey.

Finally, the Panel met with the Assets of Community Value Panel, who deal with nominations at the Council. Officers were asked for their role in processing nominations, details on their experiences in the current process and any improvements they felt could be made to the procedure.

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Background Information

(Assets of Community Value Policy Review)

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Background Information

Legislative Requirements

The Panel was informed that the Assets of Community Value (The Community Right to Bid) was introduced by Part 5 of the Localism Act 2011 ("the Act"). The Act is supplemented by The Assets of Community Value (England) Regulations 2012 ("the Regulations"), a Policy Statement prepared by the Department for Communities and Local Government and the plain English guide.

The Panel received a copy of Chapter 5 of the Localism Act, the Regulations and Community Right to Bid: Non Statutory Advice Note for Local Authorities.

Purpose of the Community Right to Bid

The aim of the Right is to empower communities wishing to protect valuable local assets (land and buildings) by requiring the Council to maintain a list of assets in its area which are of community value. This is to enable the community, upon notification of the intention to sell the asset, to have an opportunity to prepare a bid to buy it.

Local authorities cannot list an asset - it must be nominated by a local group that is associated with the local authority area where the assets sits/adjoins a neighbouring authority. The groups are identified in the Act.

With the exception of Parish Councils there are additional requirements for each group to prove eligibility required by the Localism Act.

The Right does not restrict in anyway who the owner of the asset can sell his property to, or at what price and it does not confer a right of first refusal to community interest groups.

The Panel was presented with information summarising what the Community Right to Bid entailed.

Current Policy

The current policy was adopted by the Council on 17 April 2017. In addition to adopting the policy, the Council also resolved that:

- "2 *responsibility for determining whether assets are listed or not be delegated to the Portfolio Holder for Economy and Community;*
- 3 *responsibility for determining compensation payable to an owner of an asset be delegated to the Executive Director (Community), in consultation with the Portfolio Holder (Economy and Community) and Portfolio Holder (Finance); and*

- 4 *responsibility for determining reviews against the listing of an asset, and reviews against the payment (or not) of compensation be delegated to the Executive Director (Corporate) or the Chief Executive, in consultation with the Portfolio Holder (Economy and Community) and Portfolio Holder (Finance)."*

(minute 69/4/2017)

The Panel was presented with the Council's Community Right to Bid Policy and received information from the officers who implemented this policy (See Section H).

The Cabinet Lead expressed a desire to see the procedure and policy reviewed to ensure it is working smoothly.

What Do We Do Now?

(Assets of Community Value Policy Review)

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Operation of the Policy

General

The Panel considered the operation of the ACV process within the council. It was considered that the procedure was an extremely time-dependant process and although there were a number of prescribed stages there was considerable interpretation and ambiguity that required local determination for each nomination. The Council could not charge for this service to cover the administration cost as it was a statutory service.

Although Paragraph 4 of Schedule 2 of The Regulations require reviews of a listing decision must be undertaken by a senior officer, Section 89(5) of the Act gives the Council discretion on the procedure to be followed for considering whether land should be included in a list of assets of community value.

The procedure for dealing with nominations is shown in the flowchart at Figure 1 below.

The strict timeline of having to determine a nomination within eight weeks of receiving the nomination encourages Councils to adopt a streamlined process. When exploring how Councillors could become involved in the process the Panel took into account time pressures and how this involvement could pose a risk to the Council failing to meet its statutory deadlines. The Panel was concerned that the duty to make a decision within a strict deadline did not remove or overly restrict Councillor involvement.

It was also considered that local community groups had greater expectations of the implications of listing than was actually achieved. Listing as an ACV only has an implication when a disposal is proposed with no compulsion/ability to purchase the property/land. The listing does not result in greater community control over ACV properties.

A listing of an asset of community value is not automatically taken into account as a material consideration when determining a planning application, though the planning authority may choose to regard it as a material consideration in any individual case. The Panel did not consider this particularly helpful to community groups or landowners and that reference should be included in its Local Plan.

The Panel was concerned to find that the delegations made by Cabinet were not reflected in the Constitution.

Staffing

Six officers and one Cabinet Lead are involved in this process. The Panel acknowledged that the limited number of staff involved in the process restricted the number of nominations the Council could process within the statutory time limits.

Promotion of the Scheme

In view of the time consuming nature of the process and the limited resources the Council's senior management had taken the decision to not actively promote the right for community bids

Workload

The Panel heard that currently only 6 nominations had been considered by the Assets of Community Panel with 3 of these being listed. There had been no formal appeals or claims for compensation. Therefore the panel restricted its review to the nomination, validation and the determination of nominations processes.

Councillor Involvement

Currently Councillor involvement is restricted to making the decision (Cabinet Lead), making written representations and advising potential nominees.

The Panel was concerned that only 6 nominations had been considered since the Act was introduced and felt that if Councillors are given more information on the requirements and processes for ACVs they could promote the right for community bids and at the same time relieve the workload of the staff administering the process.

The Panel acknowledged that under the scheme of delegations whereby the Cabinet Lead made the final decision there was a risk that the call in procedures could lead to the Council failing to make a decision within the statutory deadlines and that the process could be streamlined further by delegating authority to the relevant Head of Service in consultation with the Cabinet Lead to determine whether or not to list an asset. However, The Panel felt that this would remove the right of councillors to challenge the decision through the call in procedure. The Panel therefore, considered that a strict timetable on the lines adopted by other Councils (See Section I) could ensure that a decision is made within the statutory deadlines and at the same time accommodate the call in procedures.

The Panel acknowledged that ward councillors were notified of nominations relating to their ward and had an opportunity to make representations to the Panel. The Panel considered recommending that ward councillors be permitted to attend the meetings of the Panel and make representations. However, it was advised that under the rules of Natural Justice the right to attend will also have to be extended to all other parties that submitted representations which could lead to a delay in the decision making process.

The Panel also considered appointing councillors onto the panel to give councillors a greater involvement in the decision making process and at the same time give Councillor and insight into the matters that have to be considered when determining a nomination. As the Panel is not a decision making meeting, this should not delay the process. If the Councillors are selected for the Panel on a meeting by meeting basis this will give all those eligible councillors opportunity to gain experience of the process in action and increase their knowledge of the process. Appointments to this Panel will not be permitted to members of the Cabinet or ward councillors where the asset concerned is within their ward.

Stage 1 – Enquiries and Nominations

The initial point of contact for community groups is the Community Manager who provides advice and guidance of the process and requirements.

All nominations are submitted to the Community Manger for validation. Nominations will be considered invalid if they do not contain the information required by the Localism Act, or if the land/premises are exempt from nomination.

The Panel received evidence form the Community Manager that this process could be time consuming with some cases involving the need to give detailed advice on how to submit nominations and when validating the application to ensure it provides sufficient evidence to support the nomination.

Stage 2 - Determination

All valid nominations are submitted to the Assets of Community Panel.

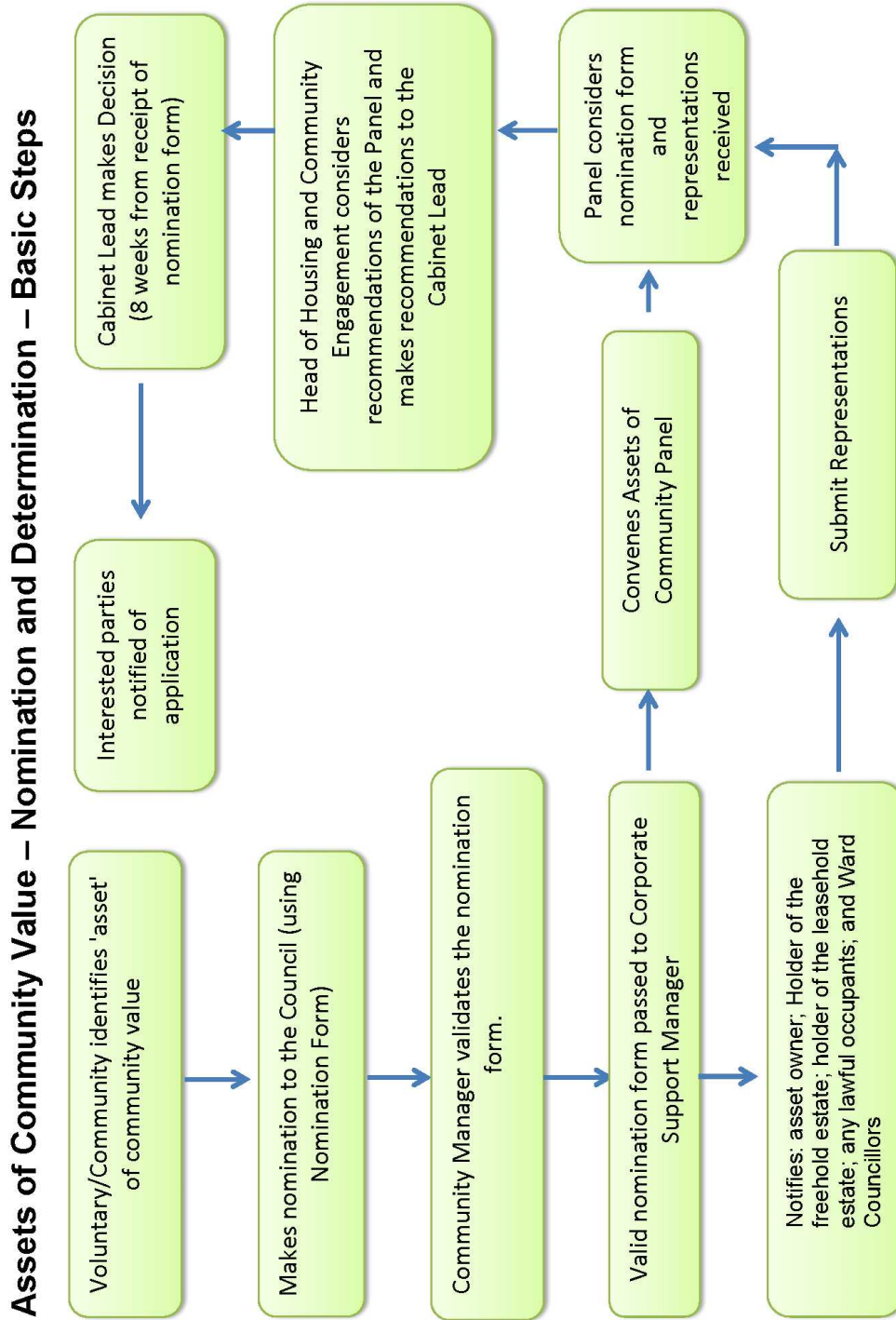
Membership of the Panel is as follows:

- Community Manager (Chairman)
- Corporate Support Manager
- Assistant Solicitor
- Planning Policy Team Leader
- Representative of the Property Team (currently vacant)

The Panel noted that the Community Manager did not take part in the determination of nominations if she had played a part in formulating the nomination as to avoid any possibility of bias.

The quality and quantity of evidence provided from the nominating groups was identified as an important part of any determination and the Panel was advised that lack of success or delay in determining for nominations was the failure to provide appropriate evidence in support of the nomination and in some cases the need to clarify that if the nominees. The panel considered that Councillors could play an important part in giving guidance on the documentation required to potential nominees.

Figure 1 – HBC Procedure for Community Asset Nominations



HAVANT BOROUGH COUNCIL

COMMUNITY RIGHT TO BID – POLICY AND PROCESS

1.0 Community Right to Bid: Policy statement

- 1.1 The Council recognise the added value that can be brought to communities through the transfer of assets to the community, and are committed to working with those groups who wish to preserve “assets of community value” which further the interests and social wellbeing of the local community.
- 1.2 The Right to Bid for Assets of Community Value is provided for by the Localism Act 2011.

2.0 Community Right to Bid: the process

- 2.1 The Government has published an Assets of Community Value Policy Statement and Statutory Regulations, which set out statutory elements of how the Community Right to Bid should operate; however, they do not specify how the Right should be administered by individual local authorities.
- 2.2 This section of the policy statement explains the local process in both Council areas for operation of the Right.

3.0 Overview of the process

- 3.1 The Community Right to Bid process comprises the following:
 - a) Voluntary/community bodies with a local connection will be able to identify land and buildings (“land”) as being of community value. The regulations define in more detail the voluntary or community bodies that may nominate land as being of “community value”. To do so, they need to fall within a defined class of bodies and also have a “local connection” (see Appendix A for definitions).
 - b) Examples might include a local shop, pub, swimming pool, playground or other facility that is of value to the community. A list of examples of assets which are and which are not considered as community assets can be found at Appendix B.
 - c) If the Council accepts the nomination, the land must be included in a list of “assets of community value”. The Council must also keep a list of rejected nominations.
 - d) An owner is entitled to request a review by the Council of a decision to add land to the list of assets of community value. An owner is entitled to a further appeal to the First Tier Tribunal, which is part of HM Courts and Tribunals Service.

- e) If an owner wishes to enter into a “relevant disposal” of the land, then they must first notify the Council of their intention. This triggers an “interim moratorium period” of six weeks, during which community interest groups may submit a written request to be treated as a potential bidder in relation to the land. A “relevant disposal” cannot take place during this period.
- f) At the end of the six week period, and if no request to be treated as a potential bidder is received, the owner is entitled to go ahead with the disposal, provided that it is completed within eighteen months of when they notified the Council of their wish to dispose.
- g) If a request to be treated as a potential bidder is received within the six week period, the full moratorium period comes into play. This lasts for six months from the date of the owner’s notice of a wish to dispose. Again, a “relevant disposal” cannot take place during this period.
- h) Community interest groups have no rights other than to seek to negotiate to buy the land. The owner is under no obligation to sell to a community interest group.
- i) If the full moratorium period expires either without a community interest group bidder coming forward, or without a successful purchase by such a group, then the owner is entitled to go ahead with a disposal, provided it is completed within eighteen months of when they notified the Council of their wish to dispose.
- j) An owner is entitled to compensation for loss or expense that they would not have occurred but for the listing. There are rights of review and appeal.

4.0 Details of the procedure

Submitting a nomination

- 4.1 Nominations must include certain information, including the nominator’s reasons for thinking that the Council should conclude that the land is of community value. Upon receipt of a request to nominate an asset, the Council will issue the “Request to Nominate an Asset of Community Value” form, and guidance notes, to be completed by the nominator to ensure the Council receives all the information required to assess the application (Appendix C).
- 4.2 On receipt of the completed “Request to Nominate an Asset of Community Value” form, the Community Team Leader will review the form to ensure sufficient information has been included to allow the nomination to be assessed. If further information is required the Community Team Leader will work with the Nominator to capture all necessary information. When sufficient information has been received,

the applications will be deemed to be valid and an acknowledgement letter will be sent to the nominator within 3 working days of that valid date.

- 4.3 The Community Team Leader will then convene a meeting of the Community Asset Project Group to consider the nomination. The Group is chaired by the Service Manager (Community).
- 4.4 Letters will be sent to the following advising them that a request has been received under Community Right to Bid:
 - Asset owner
 - Holder of the freehold estate
 - Holder of the leasehold estate
 - Any lawful occupants
 - Ward Councillors
 - Parish Council
- 4.5 The nomination will also be advertised on the Council's website.

Determining the nomination

- 4.6 Once a nomination has been made, the Council must accept the nomination if it is from a qualifying body and the Council concludes that the land is of "community value". The Council has eight weeks from the date of receipt of the nomination to make a decision.
- 4.7 For the purpose of assessing the nomination, the proposed community asset must meet the following criteria:
 - The use of the land or building currently, or in the recent past, furthers the social wellbeing or cultural, recreational or sporting interests of the local community.
 - This use (as described above) of the building will continue to further the social wellbeing or interest of the local community
 - The use of the land or building to further social wellbeing or interests of the community must be its principal use, not a secondary or ancillary one
- 4.8 The Community Asset Property Group will assess the nomination using the "Social Value Criteria and Scoring Sheet" (Appendix D). Their recommendation is submitted to the Portfolio Holder (Economy and Community) to be determined. The Portfolio Holder (Economy and Community) has the opportunity to consult with the Community Asset Project Group, the relevant Executive Director and other relevant Portfolio Holders.
- 4.9 Within eight weeks of receipt of the nomination, a letter is sent to the nominator and interested parties advising them of the outcome.

- 4.10 The Chair of the Community Asset Property Group arranges for Land Registry to be advised that an asset has been listed, and for the List of Community Assets to be updated.

5.0 Rights of review and appeal

Decision not to list as an asset of community value

- 5.1 There is no right of review or appeal against a decision not to list land as being of community value. However, legal challenge is still possible through the Judicial Review Process.

Decision to list as an asset of community value

- 5.2 An owner has a right to ask for a review of a decision to list an asset. This request must be made within eight weeks of the decision. The owners have a right to a hearing and to legal representation.
- 5.3 The regulations state that the review must be carried out by “an officer of the authority of appropriate seniority who did not take part in the decision to be reviewed”. The regulations do not allow for a review by Councillors. The officer authorised to carry out a review is the Executive Director (Economy and Community).
- 5.4 Owners dissatisfied with a review decision have a right to appeal to the First Tier Tribunal, which is part of the court system and deals with appeals against administrative decisions.
- 5.5 If the nominator is not satisfied with the Council’s decision, they can request that the Council reviews its decision. This will be taken as a corporate complaint and dealt with in accordance with the Council’s complaints procedure.

6.0 The List of Assets

- 6.1 The Council must maintain a List of Assets of Community Value. It must also maintain a list of rejected nominations, including the reasons for rejection. Entries on the List of Assets of Community Value are to be removed after a period of five years from the date of nomination. Entries on the list of rejected nominations will also be removed from the list after a period of five years.

7.0 Moratorium period

- 7.1 If land is listed as being of community value, then the owner must give the Council notice before entering into a “relevant disposal” of the land. It is important to note that not all dealings with the land will amount to a relevant disposal. Dealings that are not relevant disposals will not be caught by the moratorium period and the owner does not have to let

the Council know about them. A list of dealings that fall outside the class of relevant disposals can be found at Appendix E.

- 7.2 The owner must notify the Council of its wish to enter into a “relevant disposal”. This triggers an “interim moratorium period” of six weeks, during which community interest groups may submit a written request to the owner to be treated as a potential bidder in relation to the land. A “relevant disposal” cannot take place during this period.
- 7.3 If no request to be treated as a potential bidder is received, the owner is entitled to go ahead with the disposal, provided that it is completed within eighteen months of when they notified the Council of their wish to dispose. If a request to be treated as a potential bidder is received, the full moratorium period comes into play. This lasts for six months from the date of the owner’s notice of a wish to dispose. A “relevant disposal” cannot take place during this period.
- 7.4 Community interest groups have no rights other than to seek to negotiate to buy the land. The owner is under no obligation to sell to a community interest group.
- 7.5 If the moratorium period expires either without a community interest group bidder coming forward, or without a successful purchase by such a group, then the owner is entitled to go ahead with a disposal, provided it is completed within eighteen months of when they notified the Council of their wish to dispose.

8.0 Enforcement

- 8.1 The Council has no express enforcement duty and there is no criminal sanction against non-compliance by an owner. The sanction provided is that a non-compliant disposal will be ineffective. (That is, unless the owner has made all reasonable efforts to find out if the land is listed, and does not know at the time of disposal that it is listed).

9.0 Compensation

- 9.1 An owner is entitled to compensation for loss or expense which they would not have occurred but for the listing, specifically if the owner believes that they have incurred loss and expense in complying with either (or both) the six week initial notification period and six month moratorium period which has resulted in delay to entering into a binding legal agreement to sell the asset.
- 9.2 The regulations state that the review must be carried out by “an officer of the authority of appropriate seniority who did not take part in the decision to be reviewed. The regulations do not allow for a review by Councillors.

- 9.3 Applications for compensation must be submitted in writing to the Executive Director who has not previously been involved or the Chief Executive, who will consult with the Community Asset Project Group before determining the compensation. A decision will be reached within eight weeks of receipt of the application for compensation.
- 9.4 Owners dissatisfied with a review decision have a right to appeal to the Council in the first instance, and then to the First Tier Tribunal, which is part of the court system and deals with appeals against administrative decisions.

Appendices

- A Definitions of local connections
- B Examples of assets which are or are not community assets
- C Request to nominate an asset of community value form and guidance
- D Social value criteria and scoring sheet
- E Dealings that fall outside the class of relevant disposals

Definitions of local connections

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. The voluntary or community bodies which may make community nominations are set out below:

Parish Councils

This may be for an asset in its own area, or in the neighbouring parish council.

Neighbouring Parish Councils

If the parish council borders an unparished area, then they may nominate an asset within that neighbouring local authority.

Unincorporated groups

Nominations can be accepted from any unincorporated group with membership of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority. This will for instance enable nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure.

Neighbourhood forums.

The procedure for becoming a neighbourhood forum is set out in section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a 'neighbourhood forum'. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation, for example a forum should have an open membership policy and seek to draw in its membership from across the neighbourhood area and from different sections of the local community.

Community interest groups with a local connection

These must have one or more of the following structures:

- a) A charity
- b) A community interest company
- c) A company limited by guarantee that is non profit distributing
- d) An industrial and provident society that is non- profit distributing (these groups will be renamed as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 when it comes into force)

In this context, non-profit distributing means that any surplus is not distributed to its members but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area.

Examples of assets which are or are not community assets

What is an “asset of community value”?

An asset of Community Value is one which has a principal use, either currently or in the recent past, that furthers the social wellbeing or cultural, recreational or sporting interests of the local community and that this use will continue to further the social wellbeing or interests of the local community.

Where the asset does not currently demonstrate ‘community value’ (as above), it may still be nominated where it is possible to demonstrate that the asset’s main use did further the social wellbeing or cultural, recreational or sporting interests of the local community in the recent past and where it is realistic to think that it will do so again in the next five years.

What kinds of assets could be considered as having ‘community value’?

The following examples give an indication of the types of assets which may be defined as having ‘community value:’

Education, health and wellbeing or community safety

This could include:

- Nurseries and schools
- Children’s centre
- Health centre, surgeries and hospitals
- Day care centre, residential care homes

Sport, recreation and culture

This could include:

- Parks and open green spaces
- Sports and leisure centre
- Libraries
- Theatres
- Museums or heritage sites
- Cinemas
- Swimming pools/lidos

Community services

This could include

- Community centre
- Youth centre
- Public toilets

Local democracy

This could include:

- Town, civic and guild halls

Any economic use (e.g. a business such as a shop) which also provides an important local social benefit which would no longer be easily available if that service should cease

This could include:

- Village shops
- Pubs
- Markets

What kinds of assets would not normally be considered as having ‘community value’?

- Administrative offices
- Land or property which has not had legal and authorised community use
- Land attached to residential property (although the regulations set out certain exceptions for shops and pubs)
- Land covered by Caravan Sites and Control of development Act 1960
- Land used by public utilities, defined as operational land in section 263 of the Town and Country planning Act 1990

The Regulations should be consulted for the full list of exemptions and related definitions.

Request to nominate an asset of community value form and guidance

Please read the accompanying guidance notes when completing this form. If you have any queries, please contact Nicki Conyard, Community Team Leader on 02392 446279 or email: nicki.conyard@havant.gov.uk

PART A: ABOUT YOU

A1	Title	
	First name	
	Surname	
	Address	
	Postcode	
	Telephone number	
	E-mail address	
	Your relationship to the organisation	

PART B: ABOUT YOUR ORGANISATION

B1	Organisation name	
B2	Organisation type	
B3	Please describe its connection to the area	
B4	Charity registration no (if applicable)	

If not a registered charity, please attach evidence of your organisation's status such as Articles of Association and registration numbers, where applicable.

If your organisation is an unconstituted community group, please state how many members your organisation has and attach a list of names and home addresses of 21 members registered to vote in the nomination area.

PART C: ABOUT THE ASSET

C1	Name of asset	
C2	Address and/or location of the asset including post code	
C3	Description of the asset and its boundaries	<i>(you may attach photos and/or a plan as supporting evidence)</i>
C4	Background to asset:	
C5	What is the asset?	<i>(you may attach documents as supporting evidence)</i> Any information entered here may be copied and passed onto the owner of the property you are nominating; the rest of your nomination will not be shared with the owner.
C6	Why is the asset important to the community?	
C7	What difference will the asset make to the community?	
C8	Which sections of the community	

	can access the asset?	
C9	Will this change if the asset is managed by the community?	
C10	Current owner's name and address (if known)	
C11	Names of the current occupants (if known)	

You may attach photos, maps, plans and other documents to help us correctly identify the asset and to support your nomination.

Submit your completed form by email to Amanda.Fincham@easthants.gov.uk or post it to: Amanda Fincham, Central Support Manager, East Hampshire District Council, Penns Place, Petersfield, GU31 4EX

Guidance notes on completing the form

A1	Please give details of the main contact for this request to nominate a community asset. This would be the person who will receive all correspondence on behalf of the organisation and needs to have authorisation from the organisation to do so.
B1	Please give details of the registered name of the organisation.
B2	Please give details of the type of organisation who is applying bearing in mind that it MUST be one of the following: parish council, unincorporated body, charity, company limited by guarantee/industrial society/provident society that does not distribute a surplus to its members, community interest company. If it is "an unincorporated body" it must have at least 21 individual members who are Havant/East Hampshire electors and it must not distribute any surplus it makes to its members
B3	Please give details of the connection the organisation has to the nominated asset. This might be that the asset is currently used by the organisation or that it is situated within a certain parish boundary.
B4	Please state your Charity Registration No. if applicable.
Any information entered in Section C may be copied and passed onto the owner of the property you are nominating. Information in Section A and B will not be shared with the owner.	

C1	Please state the name the asset is commonly known by.
C2	Please state the postal address of the asset or its location including a post code if possible
C3	Please give a full description of the asset and include a plan as supporting evidence of its location. You may also include photographs and other material relating to the asset.
C4	Please tell us about the background to the asset. This could include its history, its former use and current use.
C5	Please categorise the asset. Is it a public house, park, open space for example? You may wish to include further information as supporting evidence.
C6	You need to demonstrate why the asset is of importance. This could be that it is the last public house in a village setting or a park which is at risk of being developed.
C7	We need to know why this asset makes a difference to the community, what would result without the asset and how this contributes to the well being of the community.
C8	Please tell us which sections of the community currently access the asset. This could be older people, children and young people, disabled people or minority groups
C9	If the asset is subsequently managed by the community will the user groups change?
C10 C11	Please give us any contact details you know about the current owner of the asset and the current occupants if you know them.

Appendix D

Social value criteria and scoring sheet

The scoring sheet aims to ascertain whether or not a nomination for inclusion on the Community Asset Register is viable and therefore should be recommended for inclusion.

For the purposes of assessing the nomination the proposed community asset must meet the following criteria:

- The use of the land or building currently, or in the recent past, furthers the social well-being or cultural, recreational or sporting interests of the local community.
- This use (as described above) of the building will continue to further the social well-being or interest of the local community.
- The use of the land or building to further social well-being or interests of the community must be its principal use, not a secondary or ancillary one.

Applicant Name	
Applicant Address	
Asset Name	
Asset Address	

Social Impact	Now / Recent (last 5 years)	Future Use (next 5 years)
Is it a place to meet and socialise?		
Is it a recreational / cultural or sporting facility?		
Is it a place that offers advisory / charitable / medical / educational facilities?		
Does the land / building serve any religious purposes?		
Does the land or building have a special resonance for the local community? E.g. is it linked to some present or historical local event, such as the site of a local fair or the commemoration of an event?		
Does the land / building further the interests of any organised societies / activities?		
Comments:		

Economic Impact	Now / Recent (last 5 years)	Future Use (next 5 years)
Is it a place to purchase goods or services?		
Does the building offer any skills / training / development to the inhabitants of the community?		
Does it offer employment to the benefit of the local		

community?		
Other economic impact		
Comments:		

Environmental Impact	Now / Recent (last 5 years)	Future Use (next 5 years)
Is it an open space available to the community?		
Does it contribute to any historic / conservation objectives (e.g. SINC, SSSI, AONB, Listed / Scheduled designations)?		
Does it offer any aesthetic / architectural qualities which enhance the social well-being of the area?		
Does it provide an opportunity for local people to grow their own produce?		
Comments:		

Equality Impact		
Is it open and / or available for the whole community to access?		
	Yes / No	Comments
Age		
Race		
Religion / Belief		
Pregnancy / Maternity		
Disability / Health		
Gender / Gender Reassignment		
Sexuality		

Additional information / Demographics

Panel Members	
Name	Position

Recommendation:

Date:

Dealings that fall outside the class of relevant disposals

The full list of exemptions is as follows. The first is in a different category to the remainder, in that the moratorium rules will have been triggered by notification from the owner, but the sale will be able to take place during the moratorium.

Categories (b) to (j) are in section 95(5) of the Act, and (k) to (y) are in Schedule 3 to the Regulations. Item (f) – part-listed land – is partly defined in the Act, and partly in the Regulations.

- a. disposal to a local community interest group, which can be made during a moratorium period (interim or full) – see regulation 13(1)
- b. disposals which are gifts (including transfer for no payment to trustees by way of settlement upon trusts)
- c. disposals by personal representatives in accordance with the will of the deceased owner or under intestacy rules
- d. disposal by personal representatives of the deceased owner in order to raise money for matters connected with administration of the estate
- e. 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)
- f. part-listed land – i.e. sale of a site only part of which has been listed – where it meets the requirements set out in the Regulations (see concluding paragraph for details)
- g. 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)
- h. disposals occasioned by somebody becoming or ceasing to be a trustee
- i. disposal by trustees in connection with the trust, as specified
- j. a disposal occasioned by a person becoming or ceasing to be a partner in a partnership
- k. transfers made in pursuance of a court order
- l. 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
- m. 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

- n. 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)
- o. 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”:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918885.pdf>
- p. sale by a lender under a power of sale (i.e. where the land was security for a loan)
- q. 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
- r. 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)
- s. the disposal is a part-listed disposal of a description specified in regulations made by the appropriate authority, and for this purpose “part-listed disposal” means a disposal of an estate in land –
 - (1) part of which is land included in a local authority’s list of assets of community value, and
 - (2) part of which is land not included in any local authority’s list of assets of community value.
- t. the grant of a agricultural tenancy to a successor on the death or retirement of the current tenant pursuant to Part 4 of the Agricultural Holdings Act 1986
- u. 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)
- v. disposals of part-listed land – this is the second part of the definition, the other part being in the Act – section 95(5)(e)5. See final paragraph below for details.

- w. 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.
- x. 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)
- y. a disposal of land to be held for the purpose of a school (excluding independent schools), further education institution or 16 to 19 Academy
- z. 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.

What Can We Do?

(Assets of Community Value Policy Review)

Communities and Housing Scrutiny and Policy Development
Panel

2017

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Analysis of the benchmarking Survey

Procedures and Policies

The benchmarking survey revealed that there was little difference in the procedures, forms and policies adopted by other Councils

The Council's Website

Information available on the Council website was compared to other councils and found to be in deficient compared to other Councils which provided more information and clarity on:

- The purpose and implications of listing an ACV
- The process for nominations
- The information required to support nominations such as the estimated cost of purchasing the asset, the estimated running costs of the asset and the how the nominee intend to fund reviewed and funding details.

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Communities Scrutiny Panel – Assets of Community Value Policy **Benchmarking Survey**

The following benchmarking survey was requested by the Communities Scrutiny Panel to compare the Assets of Community Value procedures and forms with those at neighbouring and similar local authorities.

The survey sought details from local authorities in the following areas:

1 – Details on Assessment Procedures and Evaluation Criteria

The aim of this section was to check the Councils processes and procedures against those local authorities surveyed, with the findings informing possible amendments and changes to the Council's procedure.

Each Council surveyed was contacted and asked to provide details on the procedures when assessing nomination forms for assets, and the criteria by which the nominations were evaluated. In cases where the Council did not respond, information available on their website was used. In total, of the 22 Councils contacted, 9 responses were received.

Furthermore, in instances where the Council had a comprehensive assessment procedure / evaluation criteria, these have been attached as appendices to this part of the survey, to enable full consideration.

Enfield Council, Newark and Sherwood District Council and Nottingham City Council were not contacted as these were identified as examples of best practice through an internet search and contained the relevant information online.

2 – Nomination Forms

The aim of this section was to check the Councils nomination form against those of local authorities surveyed, with the comparison highlighting any possible amendments to the Council's form.

Copies of the nomination forms used by each Council are attached. Where the form is purely available in an electronic format, a link has been provided.

3 – Information available on the relevant web pages

The aim of this section was to compare the level and types of information available on Council websites in relation to Assets of Community Value, with the findings informing possible changes to this Council's web page.

To conduct this survey, a sample of neighbouring local authorities were selected, alongside Councils who are examples of best practice in this area. The following Councils were surveyed:

- Adur District Council
- Arun District Council

- Basingstoke and Deane Borough Council
- Chichester District Council
- Crawley Borough Council
- Eastleigh Borough Council
- Enfield Council
- Fareham Borough Council
- Gosport Borough Council
- Hart District Council
- Horsham District Council
- Isle of Wight Council
- Mid Sussex District Council
- New Forest District Council
- Newark and Sherwood District Council
- Nottingham City Council
- Portsmouth City Council
- Redcar and Cleveland Borough Council
- Runnymede Borough Council
- Rushmoor Borough Council
- Southampton City Council
- Test Valley Borough Council
- Wiltshire Council
- Winchester City Council
- Worthing Borough Council

Havant has been included within the survey to provide clear comparison.

Communities Scrutiny Panel - Assets Of Community Value Policy
Benchmarking Survey – Part 1

Q1 - What is your assessment procedure when a nomination is received? (Including details on decision maker)	
Council	Procedure
Adur / Worthing	<p>An initial assessment will check that all required information has been submitted in order to establish that the land or building is eligible for nomination (eg not a residential property or operational land), that the body submitting the nomination is eligible to do so and that the land or building does, or could, enhance the social wellbeing and interests of the local community.</p> <p>Part of the assessment process will be to consult with the current owner of the land or building nominated. The owner can object to the land or building being included on the registered list and the Council must consider the grounds for objection but the owner of the land or building does not decide whether the asset is included on the list or not.</p> <p>A decision to include an asset on the register of Assets of Community Value rests with the Executive Head of Service for Planning, Regeneration and Wellbeing (or equivalent) following consultation with the relevant Cabinet Member and Ward Members and the current owner of the land or building. This decision must be made within 8 weeks of receiving the initial nomination.</p>
Arun	Please see attached Appendix 1 – Arun District Council Review Procedure
Basingstoke	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).
Chichester	On receipt of a nomination we immediately notify those with a legal interest in the property and invite comment or objection within 6 weeks. Our application form outlines our requirements and there may be cause to ask the nominator to provide additional information before we will proceed (for example, not providing full details of current owner/leaseholder/occupiers, or not providing a description of the land or buildings nominated). While we may respond to particular points or concerns raised during that period, typically we do not assess nominations until either formal responses have been received from owner etc, and/or 6 weeks have passed. Thereafter, our

	assessment will consider the nomination and supporting information, and any objections received before making a decision (delegated to Community and Partnerships Support Manager)
Crawley	<p>Notification that a nomination has been received will be sent to the Leader of the Council, the relevant local member(s), the Council's Corporate Management Team and internal Crawley Borough Council departments.</p> <p>The Assets of Community Value Panel will consider all written information provided as part of the community nomination and all written responses received as a result of the notification procedure. Oral presentations will not be permitted.</p> <p>The decision to include an asset on the register of Assets of Community Value rests with the Assets of Community Value Panel (ACVP) comprising of three Heads of Service drawn from a pool of Officers (Head of Legal and Democratic Services, Head of Community Services, Head of Strategic Housing and Planning Services, Head of Property, Head of Planning and Environmental Services) in consultation with the Cabinet Member for Community Engagement, and in the event of a conflict of interest then the Leader of the Cabinet. The decision will be recorded on a validation form.</p> <p>This is a formal record of the meeting which records the final decision and reasons why an asset is accepted or rejected as an asset of community value. The ACVP will consider all written information provided as part of the community nomination and all written responses received as a result of the notification procedure. Oral presentations will not be permitted. The ACVP will then assess the nomination against the statutory criteria set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.</p>
Eastleigh	<p>Once an initial eligibility check has been completed the Council will assess the application to determine whether the nominated asset is of 'community value'. In making this determination the Council will consider, amongst other things, whether the absence of the asset would deprive the local community of a building or property which is essential to the special character of the area and provides a place to meet, socialise, shop or a recreational, sporting or cultural facility.</p> <p>This assessment will be carried out by the Planning Policy and Design Manager or his/her representative and will involve seeking advice and guidance from the local ward Members and it may involve seeking advice and guidance from other Council officers such the area co-ordinators, the Health and Community Team Manager and</p>

	<p>the Head of Development Control. The local parish or town council and Hampshire County Council may be asked to comment on the proposed nomination to help make the decision.</p> <p>To demonstrate a 'realistic prospect' of continued or future use of the asset, the Council requests that the nomination includes an outline of how funds would be raised to purchase the asset and for on-going running costs, a business plan for the day-to-day running and for the upkeep of the asset and evidence of the availability of volunteers if they form part of the proposal.</p>
Enfield	<p>Applications will be validated to ensure it has been completed correctly and has the required information. Once validated, the nomination form will be submitted to the Nominations Panel, and it will make a decision on whether to accept your nomination within 8 weeks, using the criteria set out in the Localism Act 2011. The landowner will also be informed that a Nomination has been received and will be given an opportunity to provide comments.</p> <p>We may contact either you or the landowner if we have any questions or queries with your nomination. We are required to inform the owner of the land, any freeholders or leaseholders and the current occupants of the land of your nomination. They have the right to appeal against the listing, and this appeal will be considered by the Review Panel. If your Nomination is unsuccessful, the law currently does not allow you to submit an appeal.</p>
Fareham	<p>An initial eligibility assessment will be carried out. Part of the assessment process will be to consult with the current owner of the land or building nominated. The owner can object to the land or building being included on the registered list and the Council must consider the grounds for objection but the owner of the land or building does not decide whether the asset is included on the list or not.</p> <p>A decision to include an asset on the register of Assets of Community Value rests with the Council and this decision will be delegated to the Director of Community following consultation with the Executive Member for Community and the ward councillors from the area in which the asset is located. The Council will make a decision in response to a nomination within 8 weeks of receiving the nomination on the appropriate form.</p>
Gosport	<p>GBC will have 8 weeks to decide whether it has to be listed under the Localism Act 2011 and Regulations made under it by the Government. The asset will then be placed on a list of successful or unsuccessful nominations on our website.</p>

Hart	<p>Hart Procedure:</p> <ol style="list-style-type: none"> 1. The Council receives a nomination. This has to be from a parish council or appropriate community group. Certain information has to be provided, including details of the owners and others with an interest in the land. 2. The nomination is then sent to the 'owner' as defined, any occupier and, if not the applicant, the parish council. The local Ward Members should also be notified. 3. At the end of the relevant consultation period a report is drawn up for the Portfolio Holder for Planning. 4. Once the Portfolio Holder has made her/his decision, which should be made within 8 weeks of the original application, this is then communicated to the applicant, the owner, any occupier and, if not the applicant, the parish council.
Havant	<p>Once a nomination has been made, the Council must accept the nomination if it is from a qualifying body and the Council concludes that the land is of "community value". The Council has eight weeks from the date of receipt of the nomination to make a decision.</p> <p>The Community Asset Property Group will assess the nomination using the "Social Value Criteria and Scoring Sheet". Their recommendation is submitted to the Portfolio Holder (Economy and Community) to be determined. The Portfolio Holder (Economy and Community) has the opportunity to consult with the Community Asset Project Group, the relevant Executive Director and other relevant Portfolio Holders.</p>
Horsham	<p>The decision to include an asset on the register of Assets of Community Value rests with the Head of Community and Culture. Where the Head of Community and Culture is unable to act either the Community Planning Manager, the Property & Facilities Manager, or the Director of Planning, Economic Development & Property will act as deputy for these purposes. The Leader will be notified of the panel's decision. Where the Leader is unable to act the Cabinet Member for Living and Working Communities will act as his deputy for these purposes. The decision will be recorded on a Decision Notice. This is a formal record of the meeting which records the final decision and the reasons why an asset is accepted or rejected as an asset of community value.</p> <p>The Head of Community and Culture will consider all written information provided as part of the community nomination and all written responses received as a result of the notification procedure. Oral representations will not be permitted. The Head of Community and Culture will then assess the nomination against the statutory criteria set out in the Localism Act 2011 and the Assets of community Value (England) Regulations 2012. The Head of Community and Culture will receive legal advice as necessary when making a decision.</p>

Isle of Wight	<p>Within five (5) working days of the receipt of a nomination the Strategic Manager, Assets will acknowledge the receipt of the nomination and will inform relevant parties (where it is able to identify them) with an interest in the asset including but not limited to:</p> <ul style="list-style-type: none"> • The relevant Isle of Wight Council ward member(s). • The relevant town / parish council(s). • The owner of the asset as defined by section 107 of the Act. • The occupier of the asset (if not the owner). • All other parties with a legal estate in the asset. <p>In addition the Council will post a notice at the asset and on a dedicated page of the Council's website to advise interested parties about the nomination.</p> <p>Applications will be considered by a panel (the Community Right to Bid panel) of three officers (or their authorised deputies) drawn from:</p> <ul style="list-style-type: none"> • The Strategic Manager, Assets. • The Strategic Manager for Economy, Tourism and Events. • The Commissioning Development Manager. • Commissioning Manager, Building Community Capacity. <p>Where the nomination relates to an asset owned by the Isle of Wight Council then the Strategic Manager, Assets will not participate in the deliberations of the panel.</p> <p>The officer panel will determine all applications only on the basis of the information supplied by the nominating party. The local group making the nomination and the owner of the property cannot attend or address the meeting of the panel where the nomination is discussed.</p> <p>In agreeing to a nomination the panel must have satisfied itself that:</p> <ul style="list-style-type: none"> • The asset is located on the Isle of Wight. • The local group making the nomination is eligible to do so. • The nominating group is able to demonstrate that the asset has been used to and is likely to further the community's well-being or social interests.
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	<p>Any nominations which are considered by the panel to be of a significant nature, particularly those relating to Council assets, will be subject to consultation with the relevant Cabinet Member prior to final determination.</p> <p>In accordance with the Act all nominations for assets to be listed will be determined within eight (8) weeks from the date of receipt of the nomination.</p>
Mid Sussex	The local authority is required to make a decision in response to an application to nominate within 8 weeks of receiving it in accordance with the provisions in the Act.
New Forest	When the Council receives a nomination it must make a decision within 8 weeks whether the land is of community value and whether to add the nominated asset to the list of land of community value. If the nominated land is within the council's area, and it is of community value the Council must accept the nomination and add the land to the list. If the application is unsuccessful, the Council will add the land to the list of unsuccessful nominations (this is to prevent multiple applications for the same land).
Newark and Sherwood	<p>We will consider nominations in line with the policy adopted by the Cabinet called the Evaluation Criteria for the consideration of Assets of Community Value (please see attached Appendix 5 – Newark Evaluation Criteria).</p> <p>The process takes eight weeks and we will consult the owners and leaseholders of the property. The Deputy Chief Executive (as relevant Director) will determine the initial application following a recommendation from the Planning Policy Manager.</p>
Nottingham	<p>We have to decide whether or not to list the asset within eight weeks following the nomination. We will check the technical issues such as eligibility of the organisation making the nomination, completeness of the information supplied, and confirm that the asset is not in an excluded category. If either the organisation or nominating group are ineligible, or the asset is in an excluded category, the nomination is included on the “unsuccessful nomination” list.</p> <p>If the nomination meets the above criteria, the community value of the asset is considered. The determination as to whether the asset is of community value will be made by the relevant Portfolio Holder. The organisation that nominated the asset for listing will be notified of the outcome, together with the reasons if the application is</p>

	<p>unsuccessful. There is no right of review for a community interest group against a decision not to include an asset on the list.</p>
Portsmouth	<p>Portsmouth Procedure – taken from internal briefing note as provided by PCC officer</p> <ol style="list-style-type: none"> 1 – Check eligibility of nomination 2 – Inform Assistant Director and Legal of nomination 3 – Contact landowner and notify public via notices on site 4 – Assess nomination – nomination needs to be carefully assessed against criteria set out in legislation. Extra information may be required. 4 – Decision made by relevant officer and submitted as draft report, with public and Legal comments, to Assistant Director. 5 – Upon approval, decision made and relevant bodies notified.
Redcar	<p>Completed nominations will be acknowledged and then processed within a target maximum of 8 weeks. The Council will inform the Parish Council, Ward Members and the owner of the asset of its nomination. The Council will determine whether the nomination is successful or not by having regard to the criteria set out in the “Assets of Community Value - Evaluation Procedure” (please see ‘Appendix 2 – Redcar Evaluation Procedure’) and will advise the nominating organisation. There is no right of appeal for the nominator to the Council’s decision.</p> <p>The Corporate Director for Regeneration Services has delegated powers to deal with nominations, which will be processed by the Assistant Director, Economic Growth. Decisions will be made in consultation with other officers as appropriate depending on the nature and role of the asset under consideration.</p>
Runnymede	<p>Nomination received by the council</p> <p>Letter of acknowledgement sent to the Nominee within Five working days of receipt of nomination with a procedure guide and the final date when they can expect a decision from the Council. Notification letters sent within Five working days of receipt to the Owner, Leaseholder and the Occupier of The Asset being considered for listing. The letters will be accompanied by the procedure guide and contain details for owners regarding the implications associated with listed assets.</p> <p>The Council have EIGHT weeks to decide if an asset is to be added to the list. The Council will require the</p>

	<p>following from the Nominee:</p> <ul style="list-style-type: none"> • Details of the group nominating the Asset. • Voluntary and community sector applicants will have to demonstrate a local connection by showing their activities are wholly or partly concerned with the local area. • A description, a photo, an address of the Asset and a plan of the boundary. • Details of who owns the property or who occupies the Asset including the current or last known address of all those holding a freehold or leasehold estate in the Asset. • Details why the Asset will boost the social well-being of the community and why the Asset should be considered as having community value. • Evidence of community engagement such as results of local surveys that support the bid. <p>The Council will consider any objection to the listing from the Owner. Objections are required in writing no later than two weeks from the date shown on the Council's notification letter.</p> <p>Nomination will be submitted to the Corporate Head of Planning & Environmental Services or the Corporate Head of Housing & Community Development for decision. This formally approves the inclusion of the asset on the List Of Community Assets or on the List Of Unsuccessful Community Nominations.</p>
Rushmoor	Once we receive the completed form, we have eight weeks to decide to list the asset or not. In making this decision, we will seek information from the owner and ward councillors (to verify if the proposed asset meets the necessary statutory criteria).
Southampton	We aim to assess nominations within eight weeks of receipt.
Test Valley	We have no formal assessment or evaluation tools and merely judge each application on its own merits based on the knowledge of officers.
Wiltshire	A decision will be made within eight weeks of the receipt of nomination on whether to list the asset.
Winchester	<p>Nominations must include reasons for why the Council should list the land as a community asset including:</p> <p>a) How does the land and/or building(s) currently (or in the recent past) further the social wellbeing and social interests of the local community? Social interests include the consideration of culture, recreation and sport.</p> <p>b) How will the land and/or building(s) continue to function as an important community asset in the future? (This is essential if the building or land you are nominating is no longer in community use).</p>

	WCC assess asset and decide if successful or not to go on the official listing of assets of local community value
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Q2 – What are the evaluation criteria you use to assess nominations?	
Adur / Worthing	If the asset does, or could, benefit the social wellbeing or interests of the community then it is listed on a register of Assets of Community Value
Arun	Please see attached Appendix 1 – Arun District Council Review Procedure
Basingstoke	If the nominated asset is properly nominated, is in the local authority's area, meets the definition, and is not excluded, the council must list it and inform all relevant parties
Chichester	Determination is made by the Community and Partnerships Support Manager based on experience to date of operating the scheme for CDC and wider knowledge of Community Facilities.
Crawley	<p>There is a list of criteria that the nominated asset must meet in order to be accepted for inclusion onto the List of Assets and Community Value. These criteria are laid out in the Localism Act 2011 and Assets of Community Value (England) Regulations 2012 and every local authority in England must use these criteria when assessing nominations. The criteria state that the nominated asset must:</p> <ul style="list-style-type: none"> · be located in the authority's area; · come from a community organisation that is eligible to make a nomination; · not be excluded from listing; and · meet the statutory definition of "land of community value" set out in the Localism Act 2011. <p>The Assets of Community Value Panel (ACVP) will ask themselves the following questions:</p> <ol style="list-style-type: none"> 1. Is the nominated asset within the local authority's area? 2. Is the nomination from a community organisation that is eligible to make a nomination? 3. Is the nominated asset within the categories excluded from the listing? 4. In their opinion does the nominated asset meet the definition of "land of community value" set out in section 88(1) and (2) of the Localism Act 2011? <p>In considering the statutory definition set out in section 88 of the Localism Act 2011 the panel will consider whether in their opinion:</p> <p>EITHER:</p> <p>(1) There an actual use of the building or other land that is not an ancillary use which furthers the social</p>

	<p>wellbeing or social interests* of the local community? AND (2) it realistic to think that there can continue to be non-ancillary* use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests** of the local community? OR (1) There a time in the recent past *** when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or social interests* of the local community? AND (2) it realistic to think that there is a time in the next five years when there could be non-ancillary* use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests* of the local community?</p> <p>*A working definition of “non-ancillary” is that the use is not providing necessary support (e.g. cleaning) to the primary activities carried out on the land but is itself a primary, additional or complementary use. ** The definition of social interests includes (a) cultural interests (b) recreational interests and (c) sporting interests. ***A period of 3 years will be used as a guide to assess ‘in the recent past’. Other periods may be appropriate depending upon the circumstances.</p> <p>In considering whether the use furthers the social wellbeing or social interests of the local community the panel may consider such matters as:</p> <ul style="list-style-type: none"> o Who benefits from the use? o Is any aspect of the use actively discouraged by Council Policy? o Why is the usage seen as having a social value in the context of the community on whose behalf the application is being made? o How strongly does the local community feel about the usage as furthering their social interests? <p>In considering realism of future use the panel may consider such matters as:</p> <ul style="list-style-type: none"> o Has the building/land/legal requirement for this use changed significantly since its initial use such that the land or building is not fit for purpose? o Could the asset be made fit for purpose practically within reasonable resource requirements and within timescales?
Eastleigh	The Council will seek to review all the evidence available to it. Applicants are therefore strongly advised to

	<p>provide as much information as possible to assist the Council in determining the application as soon as possible.</p> <p>The determination decision will be made by the Council's Strategic Planning Manager (or another officer if so approved by the Council from time to time) with the assistance of other Council officers. The Council may also invite comments from local ward members, the relevant parish council and Hampshire County Council.</p>
Enfield	Please see attached Appendix 4 – Enfield Council Evaluation Criteria
Fareham	We don't currently have a matrix for determining whether a building or land should be listed.
Gosport	GBC will then have 8 weeks to decide whether it has to be listed under the Localism Act 2011 and Regulations made under it by the Government.
Hart	Assessment made by Corporate Strategy and Policy Development Manager, who then prepares a report for the Portfolio holder for them to consider/agree.
Havant	Please see attached Appendix 7 – HBC Criteria
Horsham	Statutory criteria for determination of Asset of Community Value
Isle of Wight	<p>In determining whether a nomination for an asset of community value will be successful the Isle of Wight Council will consider each nomination on its merits, rather than accepting all nominations as qualifying or only accepting the last such property within a community (eg the last pub). In doing so, and to ensure consistency, the Council will deem the following types of property as being of social/community well-being (thus any other type of property, such as offices or business premises, will not be deemed as providing social well-being):</p> <ul style="list-style-type: none"> - Public house or licenced premises - Post Office/convenience store/grocers (but not other shops unless the last retail unit within the community and it meets the criteria for listing) - Meeting places including community buildings, village halls, day centres, cultural buildings and places of worship - Schools, other educational premises and libraries - Hospital facilities, health centres, GP surgeries, dentists

	<ul style="list-style-type: none"> - Childcare premises - Indoor and outdoor recreational and sports facilities (including sports pitches/recreation grounds) - Public open space <p>In addition the Council will consider:</p> <ul style="list-style-type: none"> - Is the nominated asset publicly/freely accessible (not members only) - Whether the community use is the main use, or is ancillary to the main use (the latter will not qualify) <p>The community group nominating the asset will also need to identify the community to which the nomination applies</p>
Mid Sussex	Nominations which meet statutory criteria will be added to the list of assets of community value.
New Forest	We don't have a written internal assessment process or a matrix, each case is considered on its own merits.
Newark and Sherwood	Please see attached Appendix 5 – Newark Evaluation Criteria
Nottingham	Please see attached Appendix 6 – Nottingham Evaluation Criteria
Portsmouth	<p>When assessing nominations for inclusion on the Register of Assets of Community Value the City Council will have regard to the following criteria:-</p> <ol style="list-style-type: none"> 1. The extent to which the approval of the nominated site would enhance the social interests and social wellbeing of the local community because in its absence the local community would be deprived of land or a building that is essential to the special character of the local area, and provides: <ol style="list-style-type: none"> i. a place to meet and socialise, or ii. a place to shop, or iii. a recreational, sporting or cultural facility. 2. The definition of the extent of the local community will depend on the nature of the use and each case will be considered on its merits, with particular reference to the character and heritage of the local area, its community cohesion and its sense of belonging. 3. The City Council will have regard to the 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.

Redcar	Please see ‘Appendix 2 – Redcar Evaluation Procedure
Runnymede	<p>The Council will consider nominations where the main purpose of the asset is:</p> <ul style="list-style-type: none"> • Public Services Assets:- Children centres, schools, nurseries, health centres, doctors surgeries, hospitals, day care centres and residential care homes. • Sport, Recreation & Culture Assets:- Theatres, libraries, cinemas, swimming pools, sports centres, parks, village halls, ornamental gardens, open spaces, museums or play areas. • Community Services Assets: - Community centres, youth centres or public toilets. • Local Democracy Assets: - Town, civic or guild halls. • Economic Assets: - Village shops, the local pub, markets, the post office or the local bank. • This is not a complete list. The Council will consider each nomination based on its merits. <p>Appraisal is conducted by the Assistant Chief Executive.</p>
Rushmoor	If the nominated asset is properly nominated, is in Rushmoor, meets the definition, and is not excluded, we must list it and inform all relevant parties.
Southampton	<p>A property or land is deemed to be of community value if, in the opinion of the Council:</p> <ul style="list-style-type: none"> • The current main use of the property or land furthers the social interests or social well-being of the community, and it is realistic to think that there can continue to be a main use of the property or land which will further the social interests or social well-being of the local community, although not necessarily in the same way, or; • The main use of the property or land in the recent past furthered the social interests or social well-being of the local community and it is realistic to think that within five years the building or land can be brought back into use that furthers the social interest or wellbeing of the local community, whether or not in the same way as before. <p>Social interest and social well-being Social interests include (a) cultural interests; (b) recreational interests; (c) sporting interests. Social well-being are the things that people value in their life that contributes to them reaching their potential (economic, social or environmental).</p>
Test Valley	Unfortunately we have no such assessment/evaluation tools and merely judge each application on its own merits based on the knowledge of officers.

Wiltshire	A decision will be made within eight weeks of the receipt of nomination on whether to list the asset
Winchester	Please see attached 'Appendix 3 – WCC Assessment Criteria'

5. PROCEDURE ON REVIEW OF DECISIONS OF THE COUNCIL UNDER PART 5 LOCALISM ACT 2011 (ASSETS OF COMMUNITY VALUE)

The Asset

(address)

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No	Key Information	Answer or present position
		If you need more space for your answer or wish to submit a sworn statement and/or Exhibit Documents to evidence your answer to the question, please attach them as an Annex to this Form and put a cross reference in its title to the related question number(s) on this Form AND then mark next to the question, the number of the Annex in which your answer is contained.
1.	What was the main use of the Asset when put on the List	
	a. Please provide details of the start and end dates for that use.	
	d. How did that use further the social wellbeing or social interests of the local community?	
	c. Is that use Excluded or Exempt - see Part 2 above (pages 4 -6) for a summary of categories of Excluded uses and Exempt transactions.	
	d. Question for the Officers - Did that use have Planning Permission? If so, please provide a copy of the decision notice with the conditions, if any. Add this information to the second version of the Bundle of Documents.	
	e. Question for the Officers – Are there any planning	

No	Key Information	Answer or present position
	enforcement or planning policy issues relating to the above use, that are relevant to take into account? NB only provide this information to the Reviewer and the Officers involved in the Review process as Enforcement Information is confidential and not to be made available to the Parties.	
2.	What was the ancillary use(s) when the Asset was put on the List	2.
	a. Please provide details of the start and end dates for that use.	
	b. How did that use further (or not) the social wellbeing or social interests of the local community? The answer to this question may contribute, to any submission under section 88(2)	
	c. Is that use Excluded or Exempt - see Part 2 above (pages 4 -6) for a summary of categories of Excluded uses and Exempt transactions.	
	d. Question for the Officers - Did that use have Planning Permission? If so, please provide a copy of the decision notice with the conditions, if any. Add this information to the second version of the Bundle of Documents.	
	e. Question for the Officers – Are there any planning enforcement or planning policy issues relating to the above use, that are relevant to take into account? NB only provide this information to the Reviewer and the Officers involved in the Review process as Enforcement Information is confidential and not to be	

No	Key Information	Answer or present position
	made available to the Parties.	
3.	What is the current main use of the Asset	3.
	a. Please provide details of the start and end dates for that use.	
	b. How did that use further the social wellbeing or social interests of the local community?	
	c. Is that use Excluded or Exempt - see Part 2 above (pages 4 -6) for a summary of categories of Excluded uses and Exempt transactions.	
	d. Question for the Officers - Did that use have Planning Permission? If so, please provide a copy of the decision notice with the conditions, if any. Add this information to the second version of the Bundle of Documents.	
	e. Question for the Officers – Are there any planning enforcement or planning policy issues relating to the above use, that are relevant to take into account? NB only provide this information to the Reviewer and the Officers involved in the Review process as Enforcement Information is confidential and not to be made available to the Parties.	
4.	What is the current ancillary use(s) of the Asset	4.
	a. Please provide details of the start and end dates for that use.	
	b. How did that use further (or not) the social wellbeing or social interests of the local community? The	

No	Key Information	Answer or present position
	answer to this question may contribute, to any submission under section 88(2)	
	c. Is that use Excluded or Exempt - see Part 2 above (pages 4 -6) for a summary of categories of Excluded uses and Exempt transactions.	
	d. Question for the Officers - Did that use have Planning Permission? If so, please provide a copy of the decision notice with the conditions, if any. Add this information to the second version of the Bundle of Documents.	
	e. Question for the Officers – Are there any planning enforcement or planning policy issues relating to the above use, that are relevant to take into account? NB only provide this information to the Reviewer and the Officers involved in the Review process as Enforcement Information is confidential and not to be made available to the Parties.	
5.	If the Asset is not currently used, what was its last main use and when did that use cease.	5.
	a. Please provide details of the start and end dates for that use.	
	b. How did that use further the social wellbeing or social interests of the local community?	
	c. Is that use Excluded or Exempt - see Part 2 above (pages 4 -6) for a summary of categories of Excluded uses and Exempt transactions.	

No	Key Information	Answer or present position
	d. Question for the Officers - Did that use have Planning Permission? If so, please provide a copy of the decision notice with the conditions, if any. Add this information to the second version of the Bundle of Documents.	
	e. Question for the Officers – Are there any planning enforcement or planning policy issues relating to the above use, that are relevant to take into account? NB only provide this information to the Reviewer and the Officers involved in the Review process as Enforcement Information is confidential and not to be made available to the Parties.	
6.	If the Asset is not currently used, what was the ancillary use(s) and when did that use cease?	6.
	a. Please provide details of the start and end dates for that use.	
	b. How did that use further (or not) the social wellbeing or social interests of the local community? The answer to this question may contribute, to any submission under section 88(2)	
	c. Is that use Excluded or Exempt - see Part 2 above (pages 4 -6) for a summary of categories of Excluded uses and Exempt transactions.	
	d. Question for the Officers - Did that use have Planning Permission? If so, please provide a copy of the decision notice with the conditions, if any. Add this information to the second version of the Bundle of	

No	Key Information	Answer or present position
	Documents.	
	e. Question for the Officers – Are there any planning enforcement or planning policy issues relating to the above use, that are relevant to take into account? NB only provide this information to the Reviewer and the Officers involved in the Review process as Enforcement Information is confidential and not to be made available to the Parties.	
7.	If the Asset does not qualify as being of community value on the grounds set out in rows 1 to 6 above, what was the main use of the Asset in the Recent Past?	7.
	a. Please provide details of the start and end dates for that use.	
	b. How did that use further the social wellbeing or social interests of the local community?	
	c. Is that use Excluded or Exempt - see Part 2 above (pages 4 -6) for a summary of categories of Excluded uses and Exempt transactions.	
	d. Question for the Officers - Did that use have Planning Permission? If so, please provide a copy of the decision notice with the conditions, if any. Add this information to the second version of the Bundle of Documents.	
	e. Question for the Officers – Are there any planning enforcement or planning policy issues relating to the above use, that are relevant to take into account? NB only provide this information to the Reviewer and the	

No	Key Information	Answer or present position
	Officers involved in the Review process as Enforcement Information is confidential and not to be made available to the Parties.	
8.	If the Asset does not qualify as being of community value on the grounds set out in rows 1 to 6 above, what was the ancillary use(s) of the Asset in the Recent Past?	8.
	a. Please provide details of the start and end dates for that use.	
	b. How did that use further (or not) the social wellbeing or social interests of the local community? The answer to this question may contribute, to any submission under section 88(2)	
	c. Is that use Excluded or Exempt - see Part 2 above (pages 4 -6) for a summary of categories of Excluded uses and Exempt transactions.	
	d. Question for the Officers - Did that use have Planning Permission? If so, please provide a copy of the decision notice with the conditions, if any. Add this information to the second version of the Bundle of Documents.	
	e. Question for the Officers – Are there any planning enforcement or planning policy issues relating to the above use, that are relevant to take into account? NB only provide this information to the Reviewer and the Officers involved in the Review process as Enforcement Information is confidential and not to be made available to the Parties.	

No	Key Information	Answer or present position
9.	Is the Asset in single ownership?	9.
10.	Does the Asset qualify for Partial-Listing? For Partial-Listing, part of the Asset must be in independent residential use and there must be a separate main use that qualifies the remainder of the Asset to be an Asset of Community Value.	10.
11.	What future community use did the Nominators put forward in their application for Listing?	11.
12.	Question for the Nominator(s)	12.
	Why do you think that it is realistic to think	
	a) there can continue to be (from now on) <u>or</u>	
	b) there is a time in the next five years, when there could be a main use of the Asset that <u>would</u> further the social wellbeing or social interests of the local community. NB such future use does not have to be the same community value use as before.	
	Please Note that whilst question 12 is asking for your opinion it will assist your submission if you submit evidence that supports and/or corroborates your view. See Part 1.7 above.	
13.	Question for the Owner	13.
	Why do you think that it is <u>not</u> realistic to think that	
	a) there can continue to be (from now on) <u>or</u>	
	b) that there is a time in the next five years when there could be a main use of the Asset that <u>would</u> further	

No	Key Information	Answer or present position
	the social wellbeing or social interests of the local community? NB such future use does not have to be the same community value use as before.	
	Please Note that whilst question 13 is asking for your opinion, it will assist your submission if you submit evidence that supports and/or corroborates your view. See Part 1.7 above.	
14.	Question to the Nominator(s), the Owner and the Council's Officers	14.
	<p>What other buildings are available for use by the community within a ½ mile radius of the Asset for the same use as put forward for the future by the Nominator(s). See Part 3 – Economic use.</p> <p>If you consider a different radius is appropriate, include an explanation of why and then work to that radius).</p> <p>Please provide a plan showing the location of the Asset and the location of each of the other available buildings, together with a description of each and what access the community has to use them.</p> <p>Please provide evidenced to show (or refute) that if the Asset was lost, the community service or use would not otherwise be readily available in the settlement.</p>	
15.	Question to the Owner	15.
	Do you want an Oral Hearing. Paragraph 6 (Page 33)	
16.	Question to the Reviewer	16.

No	Key Information	Answer or present position
	Do you want an Oral Hearing. Paragraph 6 (Page 33)	
17.	Question to the Nominator(s)	17.
	<p>Do you want to ask any questions of the Owner or the Council's Officers?</p> <p>If yes please submit your questions in writing to the Reviewer at the same time as your responses to the rest of the questions on this Form. This will enable your questions to be sent out with the updated Bundle of Documents and responses requested for before the Review Hearing.</p>	
18.	Question to the Owner	18.
	<p>Do you want to ask any questions of the Nominator(s) or the Council's Officers?</p> <p>If yes please submit your questions in writing to the Reviewer at the same time as your responses to the rest of the questions on this Form. This will enable your questions to be sent out with the updated Bundle of Documents and responses requested for before the Review Hearing.</p>	
19.	Question for the Reviewer	19.
	Please let the co-ordinating officer have your written list of questions (if any) for each of the Nominator(s), the Owner, and the Council's Officers.	
20.	<p>Owner of the Asset and contact details.</p> <p>What is the Owners qualification to be the Owner for the purposes of this Review? – see Part 1.5 above for the</p>	20.

No	Key Information	Answer or present position
	<p>details of categories for qualifying owners.</p> <p>a. A current leaseholder who when the lease was granted had a lease for a minimum term of 25 years, who is the most distant (in terms of the number of intervening leasehold estates) from the freehold estate.</p> <p>b. If there are no leaseholders that meet the definition in a. above, then the Owner for the purposes of the Review is the Freeholder.</p> <p>Please note that unless you respond in writing to the Council within 7 days of receiving this Form stating that you do not want your contact details given to the Nominator(s), your contact details, and those of your Representative if you have appointed one, will be passed on to the Nominator(s) to enable negotiations to take place outside of this Review process.</p>	
21.	<p>Details of the people with freehold and/or leasehold interests that do not qualify as the Owner for the purposes of this Review, and their contact details – see a. and b. above in Row 20 and Part 1.5 above for the details of categories for non-qualifying freeholders and leaseholders. These people are not entitled to take part in the Review but they are to be notified of the outcome, if the Review means that a change to the Listing is needed.</p>	21.
22.	Question to the Owner	22.
	<p>Have you appointed a Representative, if so please provide the name of the Representative and contact details.</p>	

No	Key Information	Answer or present position
	<p>N.B.</p> <ul style="list-style-type: none"> • The Owner may appoint a Representative (whether legally qualified or not) to act on his or her behalf in connection with the review. Both the Owner and the Owner's Representative may make representations to the Reviewer orally, or in writing, or both orally and in writing. • Where the Owner indicates that they have appointed a Representative, any documents required to be sent to the Owner by the Council (whether under the Regulations or this procedure) shall be sent to the Representative and not to the Owner. 	
23.	Question to each Nominator.	23.
	<p>The name of the Nominator(s) and their contact person and details and their qualification to be a nominator – see Part 1.4 above for the details of categories for qualifying nominators.</p> <ol style="list-style-type: none"> a. Parish Council for the area in which the Asset is or a neighbouring parish council b. Neighbourhood Forum (as defined in Neighbourhood Planning Regulations) c. Unincorporated community group of at least 21 members – names to be checked against the electoral roll for the Council or a neighbouring local authority. d. Not for profit organisation (e.g. charity) 	

No	Key Information	Answer or present position
	<p>e. Community organisation that has a local connection and whose activities are wholly or partly concerned with the area of Arun or a neighbouring local authority area, being;</p> <ul style="list-style-type: none"> 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 not-profit distributing. <p>Please note that unless you respond in writing to the Council within 7 days of receiving this Form stating that you do not want your contact details given to the Owner, your contact details will be passed on to the Owner and/or the Owners Representative to enable negotiations to take place outside of this Review process.</p>	
24.	Question to each Nominator.	24.
	<p>Have you made a bid to the Owner? If so, on what date was this bid made. Please note that all bids must be made within the 6 months moratorium periods.</p> <p>N.B. The 6 month moratorium periods expire on [Officers to fill in the above date]. See Part 1.12.c.i. above.</p>	
25.	<p>Is the Review Request valid? i.e.</p> <ul style="list-style-type: none"> a. From the Owner or the Owners successor in title, not someone with some other legal interest or a 	25.

No	Key Information	Answer or present position
	<p>Nominator</p> <p>b. In writing</p> <p>c. Received within 8 weeks of being put on the List or within the Extended Request Period</p>	
26.	<p>If the Council do not accept the Review Request as valid, the Council shall inform the Owner of the reasons why; e.g. that their request was not submitted within the required time frame and/or by the qualifying person.</p>	26.
	<p>Only if the Council do accept the Review Request as valid, continue as set out below.</p>	
27.	<p>The Council will appoint the Reviewer.</p>	27.
28.	<p>What is the Commencement Date?</p> <p>[Officers to fill in the above date]. The Commencement Date is the date upon which the Council receives a Review Request. Or the date the Council gave notice of inclusion of the Asset on the List.</p>	28.
29.	<p>Will the Council need an Extended Review Period and if so, has this been agreed with the Owner in writing?</p> <p>NB The Council will ask for an Extended Review Period when it is of the view that it cannot arrange to complete the review process and/or complete a Review Hearing and reach a decision within 8 weeks of the Commencement Date.</p>	29.

No	Key Information	Answer or present position
	<p>NB Once the Parties receive this Form they will be able to assess if they need additional time to the periods set out in this Form, to put together their evidence. If either of the Parties needs more time, it is for that Party to write to the Reviewer to request an Extended Review Period (Row 35 below).</p>	
30	<p>On what date will the Review Period expire?</p> <p>This will be 8 weeks from the Commencement Date unless an Extended Review Period is agreed.</p> <p>N.B. Keep this row under review as circumstances may change for the Parties and the Council as the review process proceeds.</p>	30
31.	<p>The Council will notify the Parties of whether the request received for a review is accepted as a Review Request or not, and if it is, the Council will;</p> <ol style="list-style-type: none"> 1. Send each of the Parties a copy of this Form. 2. It is the responsibility of each of the Parties to check the information and responses so far recorded on this Form and write to the Council with details of any corrections that need to be made to this Form. 3. It is the responsibility of each of the Parties to read this Form and follow the steps and actions as set out, and make written requests to the Council and the Reviewer as indicated in this Form. 4. This Form sets out the Council's procedure that will be followed at an Oral Review Hearing if an Oral Hearing is requested by the Owner or the Reviewer. 	31.

No	Key Information	Answer or present position
	<p>NB The Nominators do not have the right to request an Oral Hearing.</p> <p>5. Once the 7 days have passed for the Parties to state in writing, if their contact details are to be shared with the other Parties, see Rows 20 and 23 above, the Council will send each of the Parties a copy of all communications received to date that relate to the Asset being Listed as an Asset and the Request for a Review, (the First Version of the Bundle of Documents). These will be sent out by post, DX or Egress email, all of the above methods of delivery meet the Council's Data Protection requirements. If Egress mail is used you will receive by email an instruction about how to register and download the document. You will not be charged to register or download the document and you will be able to send your response back to the Council free of charge by the same method, if you so wish.</p> <p>6. The Parties are to each submit, within 21 days (being by ... Officer to insert date) copies of all statements and documents that are not already in the First Version of the Bundle of Documents together with a list of any questions that they wish to request the Reviewer to put to any other Party. If for some reason you cannot keep to this timetable, please write to the Reviewer and explain why and request the period of time that you will need.</p> <p>The Parties are referred in this Form to the Act and the tests set out in the Act that they need to address.</p>	

No	Key Information	Answer or present position
	<p>Sworn statements exhibiting relevant documents will generally carry more weight than hearsay evidence. The Parties are encouraged to include all their information and evidence as sworn statements exhibiting the relevant documents in support</p> <p>If the Owner and/or the Reviewer request an Oral Hearing then an Oral Hearing must be held.</p> <p>It is the view of the Council that generally, for these Reviews, evidence in person at a hearing does not give the Parties the best opportunity to present their case.</p> <p>The Council wishes to stress to the Parties that an Oral Hearing will not be an adversarial process.</p> <p>This Form and in particular this procedure has been designed to give both the Owner and the Nominator, the key information that they each need to ensure that they both have the opportunity to present to the Reviewer in advance of the Review Hearing, whether by Oral Hearing or written representations, all the evidence that they each have, so that the Reviewer can reach an informed decision.</p> <p>The Reviewer will be making the decision on the balance of probabilities and whilst the Reviewer will look at information and evidence readily available in the Council's records, it is for the Parties to provide the information and evidence in support or to challenge the evidence submitted with the initial application for Listing and this Review Request.</p>	

No	Key Information	Answer or present position
	<p>The statements, documents and questions from the Parties, together with any advance questions from the Reviewer, and the Parties answers to those questions, will be added to the second version of the Bundle of Documents. Then that second version of the Bundle of Documents will be sent to each of the Parties for their further responses within 14 days (being by.....).Officers to complete this date when the date is known.</p> <p>The information and evidence received by the Reviewer, will be used by the Reviewer to make the Review Decision. Late information will only be allowed in exceptional circumstances.</p> <p>If an oral hearing is held:</p> <ul style="list-style-type: none"> • the information and evidence submitted as above will be taken as read at the oral hearing. • cross examination in person by any of the Parties will only be allowed in exceptional circumstances and then only with the prior agreement of the Reviewer in writing. • in the event that cross examination is allowed, the Reviewer will require all questions for cross examination to be provided to the Reviewer 7 clear days before the Review Hearing, together with the reasons explaining the exceptional circumstances justifying cross examination. The cross examination questions will not be shared with the other Parties in advance of the Review 	

No	Key Information	Answer or present position
	<p>Hearing. The Reviewer may disallow any questions from the Parties if the Reviewer is of the view that:</p> <ul style="list-style-type: none"> i. there is not an exceptional circumstance justifying the cross examination, and/or ii. the question(s) are not relevant to the Review Hearing, <ul style="list-style-type: none"> • The Reviewer reserves the right: <ul style="list-style-type: none"> i. to ask questions of any of the Parties ii. to call an Oral Hearing if in his/her opinion that will facilitate the clarification of the evidence on which a decision is to be made. iii. to ask any of the Parties to leave the Review Hearing iv. to adjourn the Review Hearing to a future date. <p>7. If either of the Parties needs more time to prepare, please submit a request in writing to the Reviewer, setting out your reasons for needing more time together with details of your estimate of how much time you will need.</p>	
32.	<p>Has the Owner made a written request to the Council for an Oral Hearing.</p> <p>N.B. An Oral Hearing must be held at the Owner's written request. Where no written request for an</p>	32.

No	Key Information	Answer or present position
	Oral Hearing is made by the Owner, the Reviewer may decide whether or not to include an Oral Hearing in the review process.	
33.	Has the Reviewer requested an Oral Hearing to facilitate the clarification of the evidence on which a decision is to be made?	33.
34.	<p>In the event that an Oral Hearing is to be held: the Council's Officer to</p> <ul style="list-style-type: none"> • ask both Parties how many people they will bring with them to the hearing. • ask the Parties and the Reviewer for dates that they will not be available, in the two weeks before the end of the Review Period. • ask the Reviewer for a time estimate for the conduct of the Review Hearing. • ask the Reviewer if cross examination by the Parties has been agreed. • ask the Reviewer if he/she will be asking the Parties questions. If so, what is the time estimate for these? • ask the Reviewer if there are any Council Officers he/she will be requesting to attend the Oral Hearing. • check availability of a venue. All Review Hearings will if possible be held at the Civic Centre, Maltravers Road, Littlehampton, West Sussex, BN17 5LF. • book a room of sufficient size. 	34.

No	Key Information	Answer or present position
	<ul style="list-style-type: none"> advise the Parties of the time, date and location for the Review Hearing. 	
35.	<p>If any of the Parties make a written request for an Extended Review Period, forward the request to the Reviewer and notify the Parties of the Reviewers decision.</p> <p>If the Reviewer agrees to grant an Extended Review Period, carry out the following actions:</p> <ul style="list-style-type: none"> Obtain written confirmation of the period for the Extended Review Period from the Reviewer. Inform all the officers involved in the review process and arrange for all related diary entries to be updated. Inform all Parties of the Extended Review Period. If the holding of an Oral Hearing has already been agreed, cancel and re-arrange the booking arrangements for the venue for the Review Hearing. 	35.
36.	<p>If the Reviewer finds that the decision to include the Asset in the List is to be upheld, the Reviewer will notify the Parties of the Review Decision within 7 clear days of the Review Hearing, along with the reasons for that decision. In addition the owner must be informed of their right to appeal.</p> <p>OR</p> <p>If the Reviewer finds that the decision to include the Asset in the List is not upheld, the Reviewer will notify the Parties of the Review Decision within 7 clear days of the</p>	36.

No	Key Information	Answer or present position
	<p>Review Hearing, along with the reasons for that decision. Furthermore the land and/or building(s) will be removed from the List of Assets of Community Value with immediate effect.</p> <p>The Reviewer will arrange for the Local Land Charges Officer to:</p> <ul style="list-style-type: none"> • update the Council's publicly available List of Assets of Community Value as appropriate. • inform the relevant registrars to cancel the restrictions of Listing. • Notify the occupier of the land, if this is not the Owner • Notify the holder of the freehold estate and the holder of any leasehold estate, who did not qualify to be the Owner • Notify the relevant town or parish council • Notify the ward Councillor(s) 	

Redcar & Cleveland Borough Council

Assets of Community Value - Evaluation Procedure

Evaluation Criteria for the consideration of Assets of Community Value – to be considered only when all the relevant information has been received from the nominator and other interested parties.

NOTE 1: A working definition of “recent” is “within the past three years”.

NOTE 2: A working definition of “non-ancillary” is that the use is not providing necessary support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary, additional or complementary use.

NOTE 3: Assets of community value are defined in Section 88 of the Localism Act 2011.

PART A NON-DISCRETIONARY CRITERIA

A1. Is the nominating organisation an eligible body to nominate?

The types of organisations eligible for making a nomination are currently defined in Regulation 5 of the Assets of Community Value (England) Regulations 2012 as below:

- (a) a body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990(b);
- (b) a Parish Council;
- (c) an unincorporated body—
 - (i) whose members include at least 21 individuals, and
 - (ii) which does not distribute any surplus it makes to its members;
- (d) a charity;
- (e) a company limited by guarantee which does not distribute any surplus it makes to its members;
- (f) an industrial and provident society which does not distribute any surplus it makes to its members; or
- (g) a community interest company

<p>A2. Does the nominating body have a local connection to the asset nominated?</p> <p>“Local Connection” is defined in detail in Regulation 4 of the Assets of Community Value (England) Regulations 2012.</p>
<p>A3. Does the nomination include the required information about the asset?</p> <p>This is set out in Regulation 6 of the Assets of Community Value (England) Regulations 2012 as follows:</p> <p>(a) a description of the nominated land including its proposed boundaries;</p> <p>(b) a statement of all the information which the nominator has of—</p> <p style="padding-left: 40px;">(i) the names of current occupants of the land, and</p> <p style="padding-left: 40px;">(ii) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land</p> <p>And;</p> <p>(c) a clear map showing the location of the property with an indication of the extend of the land included in the nomination</p>
<p>A4. Does the asset meet the definition of asset of community value and is not one of the categories that cannot be assets of community value as set out in Schedule 1 of the Assets of Community Value (England) Regulations 2012, as summarised below:</p> <ol style="list-style-type: none"> 1. A residence together with land connected with that residence 2. Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960 3. Operational land as defined in section 263 of the Town and Country Planning Act 1990.
<p>IF “YES” TO ALL OF PART A, MOVE TO PART B</p> <p>IF “NO” TO ONE OR MORE OF PART A, INFORM NOMINATOR THAT NOMINATION IS INELIGIBLE. PLACE ON LIST OF UNSUCCESSFUL NOMINATIONS.</p>

<p>PART B - ESTABLISHING THE NON-ANCILLARY USE THAT THE APPLICATION IS BASED ON</p>
<p>B1. Is the current or recent use which is the subject of the nomination an actual and non-ancillary use?</p>
<p>If the current or recent usage that is the subject of the nomination is actual and non-ancillary, go to PART C</p>
<p>If not, PLACE ON LIST OF UNSUCCESSFUL NOMINATIONS</p>

PART C – Determining whether the use furthers social wellbeing or social interests	
Criteria	Weighting
C1. Who benefits from the use? Does it meet the social interests of the community as a whole and not simply the users/customers of the specific service?	25%
C2. Is any aspect of the use actively discouraged by the Council’s Policy and Budget Framework?	25%
C3. Why is the usage seen as having social value in the context of the community on whose behalf the application is being made?	25%
C4. How strongly does the local community feel about the usage as furthering their social interests?	25%
If the above meets a minimum scoring of 55%, go to Step D	

PART D – Realism of future usage
D1. Is it realistic to think (for “current” uses) there will continue to be social use of the building or other land or (for “recent” uses) that it is realistic to think that there will be community use again within the next five years?
D2. Has the building/land-take/space/legal requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose?
IF NO to D2 above, PLACE ON REGISTER OF ASSETS OF COMMUNITY VALUE
IF YES to D2 above, go to D3
D3. Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales?
IF YES to D3 above, PLACE ON REGISTER OF ASSETS OF COMMUNITY VALUE
IF NO to D3 above, PLACE ON LIST OF UNSUCCESSFUL NOMINATIONS



Guidance Notes

Assets of Community Value

This document is to help Parish Councils, community and voluntary bodies understand whether a piece of land and/or building would meet the criteria and therefore qualify as an Asset of Community Value.

An Asset of Community Value is where the primary use of land and/or building(s) is considered to **further the social wellbeing or social interests of the local community**. Social interests include cultural, recreational and sporting interests. The table below illustrates examples:

The provision of public services directly to the public for the purposes of education, health & wellbeing, or community safety	<ul style="list-style-type: none"> • Nurseries and schools • Children's centres • Health centres, surgeries and hospitals • Day care centres, residential care homes
Sport, recreation and culture	<ul style="list-style-type: none"> • Parks and open green spaces • Sports / leisure centres • Libraries • Theatres • Museums or heritage sites
Community services	<ul style="list-style-type: none"> • Community centres • Youth centres
Local democracy	<ul style="list-style-type: none"> • Town halls • Civic halls
Any economic use, which also provides an important local social benefit.*	<ul style="list-style-type: none"> • Village pub • Village shop

* In these cases, it is the **social value** of the business that counts, not just the nature of the business. The Council will consider whether the social benefit provided would be easily available elsewhere if the business service ceased.

Assessment Criteria:

The land and/or building(s) must meet the following criteria in order to qualify as an Asset of Community Value. This is based on the Localism Act 2011, Part 5, and in particular Section 88.

1. The land and/or building(s) do not fall within the exemptions set out in Schedule 1 of the Regulations.

If there is evidence that a nomination falls within one of the exemptions it is automatically excluded from listing, and the remaining criteria does not have to be considered.

Exemptions include:

- Land and buildings which are primarily residential, including associated gardens and outbuildings. The exception to this is where a residence is a building only partly used as a residence, and but for that residential use of the building, the land would be eligible for listing (e.g. accommodation as part of a pub).
- Licensed (and some unlicensed) caravan sites
- 'Operational land' owned by 'statutory undertakers' as defined in s263 Town & Country Planning Act 1990 (e.g. Post Office, Civil Aviation Authority, transport providers, utility companies, etc.)

2. The land and/or building(s) are in current use, (or there was a use in the recent past), which furthers the social wellbeing or social interests of the local community. The use of the land and/or building(s) must not be deemed ancillary i.e. of secondary purpose (Localism Act S.88).

Local Authorities are left to interpret and define 'recent past' themselves and Winchester City Council will consider each nomination on a case by case basis. Those nominating a building or piece of land are advised to include examples of how the community uses the space. For instance, '...the youth centre is used by many community groups including; a weekly Scouts group, morning crèche sessions; fitness classes...' etc.

3. It is realistic to think that the land and/or building(s) will continue to further the social wellbeing or social interests of the local community (Localism Act S.88).

a). Where the land and/or building(s) is *presently* in social use there is a presumption of continued viability, unless clear evidence suggests otherwise.

b). For a social use which has *lapsed* and needs to be re-established, the Council will take a view on the realism of re-establishing this within the next five years.

NB: The *type* of social use of the land and/or building(s) is allowed to change at any time.

Other Considerations:

Where the land and/or building(s) are publicly owned another avenue to consider is Community Asset Transfer (CAT). This is the transfer of management and/or ownership of land/buildings from a Local Authority to a community based organisation at less than full market value.



Asset of Community Value Evaluation Criteria

We set out below the decision-making steps that will be used to determine a nomination.

STEP A - APPLY NON-DISCRETIONARY CRITERIA – (derived from the Act and regulations)	Score / Notes
<p>A1. Is the nominating organisation an eligible body to nominate?</p> <p>The types of organisations eligible for making a nomination are currently defined in Regulation 5 of the Assets of Community Value (England) Regulations 2012 as below:</p> <ul style="list-style-type: none"> (a) a body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990(b); (b) a parish council; (c) an unincorporated body — <ul style="list-style-type: none"> (i) whose members include at least 21 individuals, and (ii) which does not distribute any surplus it makes to its members; (d) a charity; (e) a company limited by guarantee which does not distribute any surplus it makes to its members; (f) an industrial and provident society which does not distribute any surplus it makes to its members; or (g) a community interest company 	<p>Yes / No</p> <p>If No Why?</p>

<p>A2. Does the nominating body have a local connection to the asset nominated?</p> <p>A local connection means that the body’s activities are wholly or predominantly concerned with the Borough or a neighbouring authority’s area and that any surplus it makes is wholly or partly applied for the benefit of the Borough or a neighbouring authority’s area</p> <p>“Local Connection” is defined in detail in Regulation 4 of the Assets of Community Value (England) Regulations 2012.</p> <p>The Borough will validate eligibility of all applicants</p>	<p>Yes / No</p> <p>If No why?</p>
<p>A3. Does the nomination include the required information about the asset?</p> <p>This is set out in Regulation 6 of the Assets of Community Value (England) Regulations 2012 as follows:</p> <ul style="list-style-type: none"> (a) a description of the nominated land including its proposed boundaries; (b) a statement of all the information which the nominator has with regard to— <ul style="list-style-type: none"> (i) the names of current occupants of the land, and (ii) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land 	<p>Yes / No</p> <p>If No What is required, and can this be provided?</p>
<p>A4. Is the nominated asset outside of one of the categories that cannot be assets of community value as set out in Schedule 1 of the assets of Community Value (England) Regulations 2012, as summarised below?:</p>	<p>Yes / No</p> <p>If No please indicate which category this is deemed (1-3)</p>

<ol style="list-style-type: none"> 1. A residence together with land connected with that residence 2. Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960 3. Operational land as defined in section 263 of the Town and Country Planning Act 1990. 	
<p>IF “YES” TO ALL OF PART A MOVE TO STEP B</p> <p>IF “NO” TO ONE OR MORE OF PART A, INFORM NOMINATOR THAT NOMINATION IS INELIGIBLE. PLACE ON LIST OF UNSUCCESSFUL NOMINATIONS.</p>	<p>If no to any of part A the nomination is ineligible. Date Nominator informed of ineligibility / placed on List of Unsuccessful Nominations –</p>
<p>STEP B - ESTABLISHING THE NON-ANCILLARY USE THAT THE APPLICATION IS BASED ON</p>	
<p>B1. Is the current or recent usage which is the subject of the nomination an actual and non-ancillary usage?</p> <p>NOTE 1: A working definition of “recent past” is “within the past three years”</p> <p>NOTE 2: A working definition of “non-ancillary” is that the usage is not providing necessary support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary, additional or complementary use.</p>	<p>Yes / No</p> <p>If No Why?</p>

<p>If the current or recent usage that is the subject of the nomination is actual and non-ancillary, go to STEP C</p> <p>If not, PLACE ON LIST OF UNSUCCESSFUL NOMINATIONS</p>		<p>If No to Part B - Date placed on List of Unsuccessful Nominations -</p>
<p>STEP C – Determining whether the usage furthers social wellbeing or social interests</p>		
<p>Criteria</p>	<p>Weighting</p>	<p>Score and Notes. The score is based on the completeness and quality of the information and evidence provided.</p>
<p>C1. Who benefits from the use?</p> <p>Does it meet the social interests of the community as and not simply the users/customers of the specific service?</p> <p>Who will lose if the usage ceases other than just the patrons?</p>	<p>40%</p>	
<p>C2. Why is the usage seen as having social value in the context of the community on whose behalf the application is being made?</p>	<p>40%</p>	
<p>C3. How strongly does the local community feel about the usage as furthering their social interests?</p> <p>Consider, amongst others, supporting documents attached to the submission.</p>	<p>20%</p>	

<p>If the above meets a minimum scoring of 55%, go to Step D</p>	<p>Total:</p>
<p>STEP D – Realism of future usage</p>	
<p>D. Is it realistic to think (for “current” uses) there will continue to be social use of the building or other land or (for “recent” uses) that it is realistic to think that there will be community use again within the next five years?</p>	<p>Yes / No</p>
<p>D1. Has the building/land-take/space/legal requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose?</p>	<p>Yes / No</p>
<p>IF NO to D1 above, PLACE ON REGISTER OF ASSETS OF COMMUNITY VALUE</p>	
<p>IF YES to D1 above, go to D2</p>	
<p>D2. Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales? Can the use be reinstated within the next five years?</p>	<p>Yes / No If No Why?</p>
<p>IF YES to D2 above, PLACE ON REGISTER OF ASSETS OF COMMUNITY VALUE</p>	

	Date placed on the Register of Assets of Community Value –
IF NO to D2 above, PLACE ON LIST OF UNSUCCESSFUL NOMINATIONS	Date placed on the List of Unsuccessful Nominations –

Newark & Sherwood District Council’s Community Assets Register

Evaluation Criteria

Evaluation Criteria for the consideration of Assets of Community Value – to be considered only when all the relevant information has been received from the nominator and other interested parties.

PART A NON-DISCRETIONARY CRITERIA
<p>A1. Is the nominating organisation an eligible body to nominate?</p> <p>The types of organisations eligible for making a nomination are currently defined in Regulation 5 of the Assets of Community Value (England) Regulations 2012 as below:</p> <ul style="list-style-type: none">(a) a body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990(b);(b) a Parish Council;(c) an unincorporated body—<ul style="list-style-type: none">(i) whose members include at least 21 individuals, and(ii) which does not distribute any surplus it makes to its members;(d) a charity;(e) a company limited by guarantee which does not distribute any surplus it makes to its members;(f) an industrial and provident society which does not distribute any surplus it makes to its members; or(g) a community interest company
<p>A2. Does the nominating body have a local connection to the asset nominated?</p> <p>“Local Connection” is defined in detail in Regulation 4 of the Assets of Community Value (England) Regulations 2012.</p>

A3. Does the nomination include the required information about the asset?

This is set out in Regulation 6 of the Assets of Community Value (England) Regulations 2012 as follows:

- (a) a description of the nominated land including its proposed boundaries;
- (b) a statement of all the information which the nominator has of—
 - (i) the names of current occupants of the land, and
 - (ii) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land

And;

- (c) a clear map showing the location of the property with an indication of the extend of the land included in the nomination

A4. Does the asset meet the definition of asset of community value and is not one of the categories that cannot be assets of community value as set out in Schedule 1 of the Assets of Community Value (England) Regulations 2012, as summarised below:

1. A residence together with land connected with that residence
2. Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960
3. Operational land as defined in section 263 of the Town and Country Planning Act 1990.

IF “YES” TO ALL OF PART A, MOVE TO PART B

IF “NO” TO ONE OR MORE OF PART A, INFORM NOMINATOR THAT NOMINATION IS INELIGIBLE. PLACE ON LIST OF UNSUCCESSFUL NOMINATIONS.

PART B - ESTABLISHING THE NON-ANCILLARY USE THAT THE APPLICATION IS BASED ON

B1. Is the current or recent use which is the subject of the nomination an actual and non-ancillary use?

NOTE 1: A working definition of “recent past” is “within the past three years”

NOTE 2: A working definition of “non-ancillary” is that the use is not providing necessary support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary, additional or complementary use.

If the current or recent usage that is the subject of the nomination is actual and non-ancillary, go to PART C

If not, PLACE ON LIST OF UNSUCCESSFUL NOMINATIONS

PART C – Determining whether the use furthers social wellbeing or social interests	
<u>Criteria</u>	<u>Weighting</u>
C1. Who benefits from the use? Does it meet the social interests of the community as a whole and not simply the users/customers of the specific service?	25%
C2. Is any aspect of the use actively discouraged by the Council’s Policy and Budget Framework?	25%
C3. Why is the usage seen as having social value in the context of the community on whose behalf the application is being made?	25%
C4. How strongly does the local community feel about the usage as furthering their social interests?	25%
If the above meets a minimum scoring of 55%, go to Step D	

PART D – Realism of future usage	
D. Is it realistic to think (for “current” uses) there will continue to be social use of the building or other land or (for “recent” uses) that it is realistic to think that there will be community use again within the next five years?	
D1. Has the building/land-take/space/legal requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose?	
IF NO to D1 above, PLACE ON REGISTER OF ASSETS OF COMMUNITY VALUE	
IF YES to D1 above, go to D2	
D2. Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales?	
IF YES to D2 above, PLACE ON REGISTER OF ASSETS OF COMMUNITY VALUE	
IF NO to D2 above, PLACE ON LIST OF UNSUCCESSFUL NOMINATIONS	

**Nottingham City Council's Assets of Community Value
Evaluation Criteria**

Evaluation Criteria for the consideration of Assets of Community Value – to be considered only when all the relevant information has been received from the nominator and other interested parties.

Assets of Community Value Nomination-Assessment			
DATE OF SUBMISSION		DATE DECISION TO BE MADE BY:	
NOMINATED ASSET			
NOMINATION SUBMITTED BY:			

When a nomination for an asset of community value is received, Nottingham City Council will consider the nomination using a staged process.

Stage 1

Part A and B criteria for assessing whether an asset is of community value is in accordance with that set out in the Assets of Community Value (England) Regulations 2012. Each section contains a reference to the relevant legislation but please refer to the guidance notes accompanying this document when assessing the nomination. The paragraph numbering (e.g. A1 etc.) links between this assessment form and the guidance notes.

PART A-CRITERIA SPECIFIED IN THE ASSET OF COMMUNITY VALUE REGULATIONS 2012	CHECKLIST
A1. Is the nominating organisation an eligible body to nominate? (Section 5 of the Regulations)	Pass/Fail
A2. Does the nominating body have a local connection to the asset nominated? (Section 4 of the Regulations)	Pass/Fail
<p>A3. Does the nomination include the required information about the asset?</p> <p>This is set out in Regulation 6 of the Assets of Community Value (England) Regulations 2012 as follows:</p> <p>(a) a description of the nominated land including its proposed boundaries;</p> <p>(b) a statement of all the information which the nominator has of—</p> <p style="margin-left: 20px;">(i) the names of current occupants of the land, and</p> <p style="margin-left: 20px;">(ii) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land</p> <p>And;</p> <p>(c) a clear map showing the location of the property with an indication of</p>	Pass/Fail

the extend of the land included in the nomination	
A4. Is the nominated asset outside of one of the categories that cannot be assets of community value? (Schedule 1 of the Regulations)	Pass/Fail
IF 'YES' TO ALL OF PART A, MOVE TO PART B IF "NO" TO ONE OR MORE OF PART A, INFORM NOMINATOR THAT NOMINATION IS INELIGIBLE. PLACE ON LIST OF UNSUCCESSFUL NOMINATIONS.	
PART B -ESTABLISHING THE CURRENT OR RECENT NON-ANCILLARY (PRIMARY) USE THAT THE APPLICATION IS BASED ON	CHECKLIST
B1. Is the current or recent use which is the subject of the nomination an actual and non-ancillary use? NOTE 1: A working definition of "recent past" is "within the past three years" NOTE 2: A working definition of "non-ancillary" is that the use is not providing necessary support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary, additional or complementary use.	Pass/Fail
IF YES, GO TO STEP 2. IF NO, FOLLOW PROCESS FOR UNSUCCESSFUL NOMINATIONS	

Stage 2

Part C and D criteria for assessing whether an asset is of community value has been developed by Nottingham City Council based on Part 5, Chapter 3, Section 88 of the Localism Act 2011.

Section 88 of the Localism Act states that the asset will be considered to be one of community value if:

- a) its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so. *(the legislation does not provide for a specific period, but as a general rule use in the past three years is considered to be relevant)*
- b) that use is not an ancillary one; and
- c) for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land that has been in community use in the recent past, it is realistic to think that there will be community use within the next five years (in either case, whether or not that use is exactly the same as the present or past); and
- d) it does not fall within one of the exemptions.

PART C

CRITERIA FOR DETERMINING WHETHER THE USAGE CURRENTLY OR IN THE RECENT PAST FURTHERS SOCIAL WELLBEING AND INTERESTS OF THE LOCAL COMMUNITY			
	Evidence	Commentary	
<ul style="list-style-type: none"> • What is the current/recent use of the building/property/land? 			
<ul style="list-style-type: none"> • How well is/was the 			

<p>building/property/land used?</p> <ul style="list-style-type: none"> • What will the impact be if the usage ceases? If usage has ceased already, what has the impact been? • Does it/did it meet the social interests of the different parts of the community? (please give examples of such a use by community groups or sporting clubs) • How strongly does the local community feel about the usage as furthering their social interest? 			
			<p>PASS/FAIL</p>

IF THE NOMINATION PASSES PART C, GO TO PART D.

IF THE NOMINATION FAILS PART C, FOLLOW PROCESS FOR UNSUCCESSFUL NOMINATIONS (PROCESS TO BE CONFIRMED)

PART D: Is it realistic to think (for “current” uses) there will continue to be social use of the building or other land or (for “recent” uses) that it is realistic to think that there will be community use again within the next five years?

Criteria	Evidence		
1. What is the proposed future use of the asset? <i>(types of activities)</i>			
2. Will it meet the social interests of the different parts of the community? <i>(please give examples of such a use by community groups or sporting clubs)</i>			
			PASS/FAIL
IF THE NOMINATION PASSES PART D, FOLLOW PROCESS FOR ELIGIBLE NOMINATIONS IF THE NOMINATION FAILS PART D, FOLLOW PROCESS FOR UNSUCCESSFUL NOMINATIONS			

PART E. Realism of future usage

Criteria	Evidence		
1. Has the building/land-take/space/legal requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose?			
2. Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales?			
			PASS/FAIL
IF THE NOMINATION PASSES PART E, FOLLOW PROCESS FOR ELIGIBLE NOMINATIONS IF THE NOMINATION FAILS PART E, FOLLOW PROCESS FOR UNSUCCESSFUL NOMINATIONS			

RECOMMENDATION	
REASON FOR DECISION	
DECISION TAKEN BY	
DATE	

HBC Social value criteria and scoring sheet

The scoring sheet aims to ascertain whether or not a nomination for inclusion on the Community Asset Register is viable and therefore should be recommended for inclusion.

For the purposes of assessing the nomination the proposed community asset must meet the following criteria:

- The use of the land or building currently, or in the recent past, furthers the social well-being or cultural, recreational or sporting interests of the local community.
- This use (as described above) of the building will continue to further the social well-being or interest of the local community.
- The use of the land or building to further social well-being or interests of the community must be its principal use, not a secondary or ancillary one.

Applicant Name	
Applicant Address	
Asset Name	
Asset Address	

Social Impact	Now / Recent (last 5 years)	Future Use (next 5 years)
Is it a place to meet and socialise?		
Is it a recreational / cultural or sporting facility?		
Is it a place that offers advisory / charitable / medical / educational facilities?		
Does the land / building serve any religious purposes?		
Does the land or building have a special resonance for the local community? E.g. is it linked to some present or historical local event, such as the site of a local fair or the commemoration of an event?		
Does the land / building further the interests of any organised societies / activities?		
Comments:		

Economic Impact	Now / Recent (last 5 years)	Future Use (next 5 years)
Is it a place to purchase goods or services?		
Does the building offer any skills / training / development to the inhabitants of the community?		
Does it offer employment to the benefit of the local community?		
Other economic impact		
Comments:		

--

Environmental Impact	Now / Recent (last 5 years)	Future Use (next 5 years)
Is it an open space available to the community?		
Does it contribute to any historic / conservation objectives (e.g. SINC, SSSI, AONB, Listed / Scheduled designations)?		
Does it offer any aesthetic / architectural qualities which enhance the social well-being of the area?		
Does it provide an opportunity for local people to grow their own produce?		
Comments:		

Equality Impact		
Is it open and / or available for the whole community to access?		
	Yes / No	Comments
Age		
Race		
Religion / Belief		
Pregnancy / Maternity		
Disability / Health		
Gender / Gender Reassignment		
Sexuality		

Additional information / Demographics
--

Panel Members	
Name	Position

Recommendation:	Date:
------------------------	--------------

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Communities Scrutiny Panel – Assets Of Community Value Policy
Benchmarking Survey – Part 2

Nomination Forms

Please see attached the following nomination forms as gathered from the Councils surveyed.

Isle of Wight Council does not have a nomination form that is publically accessible.

Assets of Community Value

Please continue on extra sheets if required



Your organisation

Your organisation or group (please tick)

- Parish Council in Adur district
- Parish Council in neighbouring authority or district
- Legally constituted community interest group
- Designated neighbourhood forum
- Unincorporated group of 21 or more people in Adur or Worthing, or neighbouring authority and appearing on the relevant electoral register

Name of your organisation :

Name of person making the application:

Email of organisation or person:

Evidence that you are eligible to make a nomination:

- Tick here if your address is NOT in the Adur or Worthing areas

Your details

Please supply your contact details. If you do not supply an email address, we will not be able to send you updates on your report.

Title:

Forename:

Surname:

Address:

City:

Postcode:

Preferred phone number:

Alternative phone number:

Email:

Find the location

Please enter the general location of the asset you would like to nominate. The location must be in the Adur or Worthing district or a neighbouring district. The final location will be referred to as the Nominated Land.

As part of this application you will need to propose the detailed boundaries of the nominated land or property. You can do by attaching your own map.

Description of location:

Please provide details of the current use:

Reason(s) for nomination :

Current occupancy

You need to supply a statement of all the information which you, as the nominator, have with regard to the names of the current occupants of the land and the names and current or last-known addresses of all those holding a freehold or leasehold stake in the land.

Statement:

--

Please provide name(s) of current occupants :

Please provide the name(s) and address(es) of freeholders and leaseholders :

Name:
Address:
Postcode:
<input type="checkbox"/> freeholder <input type="checkbox"/> Leaseholder

Name:
Address:
Postcode:
<input type="checkbox"/> freeholder <input type="checkbox"/> Leaseholder

Name:
Address:
Postcode:
<input type="checkbox"/> freeholder <input type="checkbox"/> Leaseholder

Property details

Please provide the address of the property:

City:

--

Postcode (if known):

--

Other details

Please enter any other details or information you feel may be of use:

--

You can also add relevant photographs or diagrams.

Introduction

This form can be used by an eligible voluntary or community body. The form is used to nominate to Arun District Council an "Asset of Community Value". The asset can be land or property. If the nomination is successful the asset will be added to the List of Assets of Community Value.

Before starting to complete the form, make sure you have all the information to hand. You will need to supply details of your organisation and the name of a principle contact. You will need to include full details of the asset being nominated, including current ownership if known. You will need a map of the asset and the surrounding area. The map must clearly show the boundary of the asset. It should be in electronic format. A scanned image is acceptable.

Your details

Your organisation

Your organisation or group

Name of your organisation

Name of person making the application

Email of organisation or person

Evidence that you are eligible to make a nomination

Tick here if your address is NOT in the Arun district

Your address

Postcode

Address

NLPG UPRN

Find the location

Please enter the general location of the asset you would like to nominate. The location must be in the Arun district or a neighbouring district. You will be able to pinpoint the location on a map on the next page. The final location will be referred to as the Nominated Land.

Location

Location details

Map grid reference

This is the position taken from the point that you marked on the map. We will use this to find out more about the location, so it is important that it is as accurate as possible.

Easting

Northing

Location description

Description of location and boundary

Current use

Reason for Nomination

Reasons for nomination **must** include evidence, for example:

- Evidence of community usage (e.g. Testimonials from users, petitions, local charity/fund-raising events, community groups, teams etc).
- How the asset enhances the social well-being of the community
- How the loss of such a property will impact on the local community

Reasons for nomination

Current occupancy

You need to supply a statement of all the information which you, as the nominator, have with regard to the names of the current occupants of the land and the names and current or last-known addresses of all those holding a freehold or leasehold stake in the land.

Names of current occupants

Names and addresses of freeholders and leaseholders

Finish and apply

Form reference number

302209

ASSETS OF COMMUNITY VALUE Nomination form

Firstly please check that the property has not already been listed or recently nominated for listing by checking the council's [website](#). Please submit as much detail as possible about the property being nominated as an Asset of Community Value and about your organisation. Insufficient information could delay the nomination process.

The proposed property / land

Name and address of property/land

Which ward is the property / land located in?

Description of the property/land and the proposed boundaries *(please attach plan with boundaries shown in red)*

Is the property / land registered with the Land Registry? Yes No

If **yes** please attach all up-to-date office copy entries and title plans for the property/land *(including freehold and leasehold)*.

If the property/land is unregistered please supply copies of correspondence with Land Registry and give names and addresses of the following:

Freeholder(s)

Leaseholder(s)

Please give details of all current occupant(s)

Name of parish/town council *(local to the nominated property)* or state 'unparished' if in urban area without a parish council

Please give reasons for nominating the asset; describe how the property / land meets the criteria set out in Guidance Note 1 ('Definition of an Asset of Community Value')

Has this nomination been endorsed by the executive/decision-making body/committee of the organisation? Please give date of the relevant meeting and enclose an extract from the minutes of the meeting.

Which type of organisation is making this nomination? (See Guidance Note 2 'Who Can Nominate') **Please tick.**

- Parish/town council
- A neighbouring Parish/town council
- Neighbourhood Forum
- A community interest group with a local connection

(must be either a charity; community interest company; a company limited by guarantee that is not profit distributing; an industrial and provident society that is non-profit distributing)

The nominator

Name and address of organisation *(this information will be held on the asset register)*

Please submit this form to:

June Balcombe
Community Development,
Community Services,
Basingstoke and Deane Borough Council,
Civic Offices,
London Road,
Basingstoke
RG21 4AH

or email: communityassets@basingstoke.gov.uk

Name of contact

Telephone number of contact

Email address of contact

Note: *Community nominations may be made at any time, including after an asset has been put onto the property market. However, no restrictions on sale arise from a nomination- it is only listing which brings the statutory control over sale (i.e. the community right to bid).*

Provided that the nomination is complete the council will make a decision within 8 weeks of receiving the nomination.

COMMUNITY RIGHT TO BID NOMINATION FORM

Please refer to the Guidance Notes available for completing a Nomination, which are available on the District Council's website www.chichester.gov.uk or speak to the Communities Team on 01243 534864.

Section 1 About the Asset to be nominated

Name of the land or property:	
Address:	
Postcode:	

Please provide the names and the current or last known contact details for all those holding a freehold or leasehold interest in the property and also the current occupier if they are neither.
(Continue on a separate sheet if necessary)

Freeholder's name:			
Address:			
Postcode:		Telephone:	

Leaseholder's name:			
Address:			
Postcode:		Telephone:	

Current Occupier's name:			
Address: (if different from above)			
Postcode:		Telephone:	

Section 2 About your community organisation

Name of organisation:			
Your Name	Title:	First name:	Surname:
Position in organisation:			
Email address:			
Correspondence Address:			
Postcode:		Telephone:	

Organisation Type:

- Unincorporated Community or Voluntary Group
- Parish Council
- Charity (please provide your registered number): _____
- Company Limited by Guarantee (non-profit distributing)
- Community Interest Company
- Industrial and Provident Society (non-profit distributing)

How many members does your organisation have? _____
(This is particularly important for unincorporated groups)

What is your local connection to the Asset you are nominating, or the area in which it is located?

Section 3 Supporting information for nomination

Why do you think the land or property you are nominating is an asset of community value? Please give as much information as possible. (Continue on a separate sheet if necessary)

How does the current (or recent past) use of the property further the social well-being or social interests of the local community? (Continue on a separate sheet if necessary)

Section 4 Description of nominated land/property including its proposed boundaries

What do you consider to be the boundary of the land/property that you might seek to acquire? Please give as much detail as possible (and if possible provide a site plan). Boundaries do not have to be the same as the current ownership boundaries.

Section 5 Checklist

- For unincorporated groups, Name and home address of 21 members of your organisation who are registered to vote in Chichester District.
- Evidence of your organisation's eligibility, eg constitution
- Evidence of organisation's wish to nominate, eg minutes or excerpt
- Site boundary plan

Section 6 Declaration

I declare that to the best of my knowledge the information contained in this nomination form is complete and accurate. (Please type your name if completing electronically)

Signed:	Date:
----------------	--------------

Please note:

1. If you have not already read the guidance notes for completing this form, please do so before submitting, to ensure you have completed all the information required.
2. To enable Chichester District Council to make a decision on whether or not to accept your nomination, we will need to have sufficient information. Please complete the nomination form as fully and accurately as you can, as inadequate or inaccurate information may lead to a delay in processing your nomination, or being declined.
3. For more information about how Chichester District Council considers nominations for assets of community value, please see this page on the council website:
www.chichester.gov.uk/crtb
4. Please attach any additional information or supporting documents to your form, or include within your submission email. Please indicate which section of the form each document or comment relates to.
5. Please send your completed paperwork to community@chichester.gov.uk, or to the postal address below, marked "Community Right to Bid Nomination".

If you have a question about any part of this form, please contact:

Community Engagement
Home and Community
Chichester District Council
East Pallant House, 1 East Pallant
CHICHESTER
West Sussex PO19 1TY

Email: community@chichester.gov.uk

Telephone: 01243 534864

For office use only		Our reference	
Asset		Delegated Decision no.	



Assets of Community Value

Nomination Form

Before you complete this form, it is essential that you read the accompanying guidance notes.

There are strict legal criteria which must be adhered to when nominating assets of community value and we will not be able to consider your application unless all the information is provided.

If you have any queries about this application form email

.....

Submit your completed form

✉ email to Ann-Maria.Brown@crawley.gov.uk

📧 post it to: The Head of Legal and Democratic Services, Crawley Borough Council, Town Hall, The Boulevard, Crawley, West Sussex, RH10 1UZ marked "Asset Nomination".

Timescales

We will acknowledge receipt of a completed nomination form within 5 working days.

We aim to come back to you with a decision within 8 weeks of receipt of a completed nomination form.

PART A: ABOUT YOUR ORGANISATION

1. CONTACT DETAILS

Note: No personal details or information will be made publicly available as part of this requirement.

Your Title	
Your First name	
Your Surname	
Telephone number	
E-mail address	
Your Position in organisation	

2. ABOUT YOUR ORGANISATION

Name of Organisation	
Address	
Postcode	

3. ORGANISATION TYPE

Description	Please tick any which apply	Charity Registration Number / Company number (if applicable)
Parish Council		
Neighbourhood Forum		
Unincorporated Group with at least 21 people on the electoral role within Crawley Borough or a neighbouring authority		
Charity		
Community Interest Company		
Company limited by guarantee		
Industrial and Provident Society		

Local Connection

Please describe how your organisation is connected to the local area.

Please refer to the guidance notes for more information.

Additional Supporting Evidence

Where relevant, please provide any additional evidence which demonstrates that your organisation is eligible to nominate assets of community value.

Unincorporated groups must demonstrate that there are at least 21 Members registered to vote within Crawley Borough or a neighbouring authority

Unincorporated group, a company limited by guarantee, or an industrial provident society must demonstrate that surplus fund are not distributed to Members but are applied wholly or partly for the benefit of the local area.

Please refer to the guidance notes for further information.

Please list any relevant supporting documents which are attached

PART B: ABOUT THE PROPOSED ASSET

4. ASSET DETAILS

Name of asset	
Address or location of the Asset	
Description of the asset and its boundaries	
Please provide information which helps to clarify the exact location and extent of the asset being nominated and a map with boundaries clearly marked in red.	

5. LANDOWNER DETAILS – *we strongly recommend that you discuss your plans to nominate with the owner before submitting.*

The Council is required to inform the landowner, leaseholder and occupants about your bid, and must also let them know the outcome of the Council's decision. Therefore please provide us with as much information as you can about the landowners and occupiers of the land or property you are nominating.

Current owner's name and address (if different to the address of the nominated asset)	
---	--

Current (if any) Leaseholders name and address	
Names of the current occupants (if different to owner or leaseholder)	

The nomination must answer the following questions about why the land or building is felt to be of community value.

6. DOES THE NOMINATED ASSET MEET THE DEFINITION OF “LAND OF COMMUNITY VALUE” SET OUT IN THE LOCALISM ACT 2011?

EITHER:

- (1) Is there an actual use of the building or other land that is not an ancillary* use which furthers the social wellbeing or social interests** of the local community?

AND

- (2) Is it realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests** of the local community?

Yes/No	Please explain why
--------	--------------------

OR

(1) Is there a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or social interests** of the local community?

AND

(2) Is it realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests* of the local community?

Yes/No	Please explain why

Note:

*A working definition of 'non-ancillary' is that the useage is not providing necessary support (eg cleaning) to the primary activities carried out in the asset, but is itself a primary, additional or complementary use.

** The definition of social interests includes (a) cultural interests (b) recreational interests and (c) sporting interests.

7. REASONS/EVIDENCE IN SUPPORT OF YOUR NOMINATION

Please use this space to set out why you believe the land or property you are nominating is a community asset.

Provide details and evidence of numbers of people making use of the facility; Calendar/session rotas for local groups and history of use where applicable.

You may wish to consider this list of examples, but please note that this is not an exhaustive list

Examples
It provides opportunities for networking and connections (it brings members of the local community together)
It provides opportunities for physical activity or leisure or health activities
It provides opportunities for continuous learning and self improvement (e.g. through education, training courses, access to information etc)
It provides opportunities for local volunteering, sharing and donating
It serves to improve and/or protect the well being of children, young people, peoples with disabilities, or older persons in the community
It provides an opportunity for members of the community to keep in touch and communicate with relatives, friends and neighbours
It promotes the health and wellbeing of local residents
It is the last remaining asset of its type in the borough and it is important for the local community to keep it in use as its sale to a non community use would represent a significant loss to the community
It provides access to books, music, film, art, or theatrical performances for the local community
It allows residents with a certain faith or cultural background to put that faith or culture into practise
It makes leisure and entertainment activities accessible to the local community (e.g. dancing, theatre, art, cooking courses, crafting, gardening, and other sources of entertainment)
It is frequently used for community social and recreational events
It is a place that the local community frequently uses for entertainment and recreation purposes
It provides an area for outdoor leisure activities, not necessarily sports-related (e.g. picnics, walking trails, playgrounds and splash parks for children, etc)
It provides sports facilities for the local community to use
It serves as a hub for different sporting clubs and sports teams in the community

Please continue on an additional sheet if necessary

Submit your completed form

✉ email to [Ann-Maria.Brown@Crawley.gov.uk](mailto:Ann-Maria.Brown@ Crawley.gov.uk),

📄 post it to: The Head of Legal and Democratic Services, Crawley Borough Council, Town Hall, The Boulevard, Crawley, West Sussex, RH10 1UZ marked “Asset Nomination”.



Part A - About the group making the nomination

A1. Organisation's name and address

Name of Organisation	Click here to enter text.
-----------------------------	---------------------------

A2. Contact details

Name	Click here to enter text.
Position in Organisation	Click here to enter text.
Address	Click here to enter text.
Post Code	Click here to enter text.
Telephone No.	Click here to enter text.
Email Address	Click here to enter text.

A3. Type of organisation

Please checkbox

- A. Town or Parish council
- B. Body designated as a neighbourhood forum under the Town and Country Planning Act
- C. Unincorporated body with at least 21 individual members and which does not distribute any surplus it makes to its members (**Pleas see Appendix 1**)
- D. Charity
- E. Company limited by guarantee which does not distribute any surplus it makes to its members
- F. Industrial and provident society which does not distribute any surplus it makes to its members
- G. Community interest company
- H. Other – please detail

Registration Number (if applicable)

--

Assets of Community Value

Nomination Form

A4. Local Connection

For organisations other than Town/Parish Councils, please provide copies of all relevant pieces of documentation, to show that the organisation is concerned with the area covered by Eastleigh Borough Council, or a neighbouring local authority (i.e. is based in or is responsible for covering the area). **Not applicable to Parish councils.**

For groups identified in Part A3 as categories C, E or F. In making this nomination you declaring that:

- I. Your organisation does not distribute any surplus to its members; and
- II. Any surplus that it does make is wholly or partly applied for the benefit of this local authority's area or a neighbouring authority's area.

Declaration

I confirm on behalf of the organisation that I represent, that the organisation does not distribute any surplus it makes to its members, and any surplus it makes is wholly or partly applied for the benefit of the Borough of Eastleigh or a neighbouring authority's area.

Please provide a copy of the following as relevant to your organisation	Please tick all that have been provided
Memorandum of Association	<input type="checkbox"/>
Articles of Association	<input type="checkbox"/>
Companies House return	<input type="checkbox"/>
Trust Deed	<input type="checkbox"/>
Constitution / Terms of reference	<input type="checkbox"/>
Standing Orders	<input type="checkbox"/>
Interest Statement for Community Interest Company	<input type="checkbox"/>
Unincorporated body list of 21 individual members full names and addresses	<input type="checkbox"/>
Other	<input type="checkbox"/>

Please provide details of other paperwork provided

Assets of Community Value

Nomination Form

Part B – About the asset being nominated for inclusion in the list of assets of community value

B1. Name and address of asset being nominated

Name	Click here to enter text.
Address	Click here to enter text.
Post Code	Click here to enter text.

B2. Maps and drawings

Please provide information which helps to clarify the exact location and the extent of the asset being nominated. This could include:

- where the land is registered, the Land Registry Title Information documents and map with boundaries clearly marked in red (less than one month old). Provision of Land Registry information is not essential but it may help us to reach a decision on the nomination more quickly.
- a written description with ordinance survey location, and explaining where the boundaries lie, the approximate size and location of any building/s on the land and details of any roads bordering the site.
- a drawing or sketch map with boundaries clearly marked in red

Assets of Community Value

Nomination Form

B2. Current use of asset

a. What is the **current primary use** of the asset?

b. Do you consider that the current and primary use of the asset furthers the social wellbeing or cultural, recreational or sporting interests of the local community?

- Yes** If yes please continue
- No** If no please go to question B3

c. Please explain how the current and primary use of the asset furthers the social wellbeing or cultural, recreational or sporting interests of the local community. Please provide any documentary evidence in support of this (e.g. *posters, leaflets* etc.).

Click here to enter text.

Please provide evidence in the form of the range of activities/events undertaken, the community role it plays, how well the building/property/land is used and regarded by the community, impacts on the social wellbeing of the local community, equalities impact on different groups in the local community, other miscellaneous of the assets and the likely impact on the community if the use ceases

d. Over what period is this main use of the asset anticipated to continue?

Click here to enter text.

e. Does the local community have legal and authorised use of the land or property?

Yes

No

B3. Questions for assets not currently used for community benefit

a. If the main use of the asset does not currently further the social wellbeing or cultural, recreational or sporting interests of the local community, did it do so at some stage in the recent past?

Yes

No

b. Please explain how the asset was used in the past and dates of this usage

Click here to enter text.

Please provide evidence in the form of the range of activities/events to be undertaken at the property, use by the community, how well the building/property/land is to be used by the community, impacts on the social wellbeing of the local community, equalities impact on different groups in the local community, other miscellaneous of the assets and the likely impact on the community envisaged over the next 5 years

Assets of Community Value

Nomination Form

c. How do you anticipate that the asset would return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?

Click here to enter text.

d. When do you consider that the asset could realistically return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?

B4. Owner and occupier details (Please provide all information available to you)

	Name	Address	
Owner/s	Click here to enter text.	Click here to enter text.	<input type="checkbox"/> Current <input type="checkbox"/> Last known <input type="checkbox"/> Not known
Lawful occupiers	Click here to enter text.	Click here to enter text.	<input type="checkbox"/> Current <input type="checkbox"/> Last known <input type="checkbox"/> Not known
Holder/s of freehold estate (if not the owner)	Click here to enter text.	Click here to enter text.	<input type="checkbox"/> Current <input type="checkbox"/> Last known <input type="checkbox"/> Not known
Holder/s of any leasehold estate	Click here to enter text.	Click here to enter text.	<input type="checkbox"/> Current <input type="checkbox"/> Last known <input type="checkbox"/> Not known

B5. Further information

This information will help us to consider the nomination (it is not essential to answer these questions but they reflect part of the criteria which will be used to consider the nomination). Any information you can supply will help to speed up this process.

a. Is the asset used wholly or partly | Yes |

Assets of Community Value

Nomination Form

as a residence?	No <input type="checkbox"/>	
b. Is the asset covered by the Caravan Sites and Control of Development Act 1960?	Yes <input type="checkbox"/> No <input type="checkbox"/>	
c. Is the asset defined as operational land under section 263 of the Town and Country planning Act 1990, owned by statutory undertakers such as utility companies?	Yes <input type="checkbox"/> No <input type="checkbox"/>	

d. Please provide any further information to support why you feel that Eastleigh Borough Council should conclude that the asset is of 'community value'

Click here to enter text.

Eastleigh Borough Council
Assets of Community Value
Nomination Form



Please send your completed form to:

Eastleigh Borough Council

Community Right to Bid

Eastleigh House, Upper Market Street SO50 9YN or

Email: Diccon.Bright@eastleigh.gov.uk

Signature

Click here to enter text.

(If submitting electronically please type full name)

Date

Click here to enter a date.

By signing your name here (if submitting by post) or typing it (if submitting electronically) you are confirming that the contents of this form are correct, to the best of your knowledge.

Data Protection Statement

We will process the information provided in accordance with the Data Protection Act 1998 (and or any subsequent amending legislation) for the purposes of administering the Community Right to Bid procedure.

Name and contact details provided may be shared with the owner of the asset, including where the nominating organisation subsequently submits an expression of interest following notification of the owner of an intention to dispose of the asset.

Please also note that the information provided may be subject to the Freedom of Information Act 2000, but personal information (names and contact details) may/may not be released in responses to Freedom of Information requests.



Assets of Community Value

Nomination Form

Appendix 1 - Nominating as an unincorporated group (only)

If nominating as an unincorporated group (please also provide the details of the membership of at least 21 local people whose names appear on the electoral roll within the local authority, or a neighbouring local authority), please complete the form below and ask each member to sign confirming the statement below.

We confirm that we wish to nominate the asset/land specified in this application under the Assets of Community Value (England) Regulations 2012 and that we appear on the electoral roll within the local authority, or a neighbouring local authority			
No.	Name	Address	Signature
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			



19			
20			
21			

Data Protection Statement

We will process the information provided in accordance with the Data Protection Act 1998 (and or any subsequent amending legislation) for the purposes of administering the Community Right to Bid procedure.

Name and contact details provided may be shared with the owner of the asset, including where the nominating organisation subsequently submits an expression of interest following notification of the owner of an intention to dispose of the asset.

Please also note that the information provided may be subject to the Freedom of Information Act 2000, but personal information (names and contact details) may/may not be released in responses to Freedom of Information requests.

Asset of Community Value Community Nomination Form



Please refer to the guidance notes when completing this application form.

UPRN:
(office use only)

--	--	--	--	--	--	--	--

Date:

--

Q1. Name of Community Interest Group ('the nominator') and Address

--

Q1 (a). Contact details

Name	
Your position in the organisation	
Telephone number	
Email Address	

Q1(c) Please provide details of the status of your community interest group.

--

Q1 (b). More about your Organisation

--

Q1(d) Please show how your community interest group has a local connection.

Q2. Address and Description of Nominated Property ('the Property')

Q3. Ownership information on the Proposed Asset of Community Value:

--

Q4. Please select the category of use that the nominated property is under.

Library		Pub		Open Space	
Community Hall		Village Shop		Other	
Allotment		Playing Field			

Q5. Reasons for nominating the Asset

--

Q6. Demonstrate how the use is likely to continue.

Q7. List of documents/evidence attached

Please list below all attached documents and evidence that are either sent electronically, or in hard copy form.

DECLARATORY STATEMENT

I certify to the best of my knowledge, the entries on the application form and those attached are true, accurate and complete and that the nomination is in accordance with the legislation.

I confirm that I am authorised to sign this application form on behalf of the organisation named within this application form (where applicable).

Applicant's Name (Please Print):

Signed:

Date:

All completed applications to be sent to:-

Strategic Property Services, London Borough of Enfield, PO Box 51, Civic Centre, Silver Street, Enfield EN1 3XB.

Fareham Borough Council Assets of Community Value Nominations Form

This questionnaire is designed to provide the Council with the information required to assess whether the nomination of an asset meets the criteria of an asset of community value.

The Localism Act 2011 defines an asset/land of community value if:

1. Its actual or current use (or there is a time in the recent past when its use) furthers the social wellbeing or social interests of the local community, and
2. It is realistic to think that there can continue to be (or it is realistic to think that there is a time in the next 5 years when) non-ancillary use of the building or land that would further the social wellbeing or social interests of the local community.

The questionnaire is divided into three parts:

1. Voluntary or Community Body Details;
2. Asset Detail
3. Social Wellbeing and Social Interests criteria,

As a result of your application, in order to evaluate the nomination, the Council may:

- request additional information or evidence;
- seek clarification;
- conduct interviews; or,
- require presentations.

1.	Voluntary or Community Body Details
1.1	Name and address of the organisation in whose name this nomination is being submitted, include contact name, phone number, email etc:
1.2	Registered or trading name and address if different from question 1.1
1.3	Correspondence address if different from question 1.1

1.4	Does your organisation have a website, if so please provide the address?	
1.5	Is your organisation a(n):	
	• Neighbourhood Forum	<input type="checkbox"/>
	• Parish Council	<input type="checkbox"/>
	• Unincorporated Body	<input type="checkbox"/>
	• Charity	<input type="checkbox"/>
	• Social Enterprise (company limited by guarantee that doesn't distribute any surplus it makes to its members)	<input type="checkbox"/>
	• Industrial or Provident Society which does not distribute any surplus it makes to its members	<input type="checkbox"/>
	• Community Interest Company	<input type="checkbox"/>
1.6	Company registration number, registered charities number, or Financial Services Authority registration number (list all that apply).	
1.7	Please provide detailed evidence that you are indeed eligible to make a community nomination in accordance with sections 4 and 5 of the Regulations.	

Community Nomination - Asset Detail		
2.1	Asset Address	
2.2	Asset Owners – include the names of the current occupants of the land, and The names and current or last-know addresses of all those holding a freehold or leasehold state in the land	
2.3	Asset / Land Use – Please can you provide details of the use of land over the past 5 years	

3.	Evidence: Asset of Community Value
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The Localism Act 2011 defines an asset or land of community value if:

1. Its actual or current use (or there is a time in the recent past when its use) furthers the social wellbeing or social interests of the local community, and
2. It is realistic to think that there can continue to be (or it is realistic to think that there is a time in the next 5 years when) non-ancillary use of the building or land that would further the social wellbeing or social interests of the local community.

3.1

How do you feel that the aforementioned asset is indeed an asset of community value?
Can you provide evidence of this?

Name of person authorised to sign on behalf of the organisation:

Position/status in the organisation:

Date:

.....

...

On completion the form should be submitted by email to the Head of Leisure & Community. mbowler@fareham.gov.uk

COMMUNITY RIGHT TO BID

Nomination Form for listing a property as An Asset of Community Value

Part 1 - About the group making the nomination

Organisation's name and address

Name of organisation

Address including post code

Organisation contact details

Name

Position in organisation

Address including postcode

Daytime telephone number

Email address

Type of organisation

Description	Please tick all that apply	Registration number (if applicable)
Body designated as a neighbourhood forum under the Town and Country Planning Act		
Unincorporated bodies with at least 21 individual members and which does not distribute any surplus it makes to its members		
Charity		
Company limited by guarantee which does not distribute any surplus it makes to its members		
Industrial and provident society which does not distribute any surplus it makes to its members		
Community interest company		
Other – please detail		

Local connection of Organisation

Please confirm and provide evidence (see below) that the group is wholly or partly concerned with the area covered by Gosport Borough Council or a neighbouring local authority area.

Distribution of surplus funds

Please confirm and provide evidence (see below) that any surplus made by the group is wholly or partly applied for the benefit of the area covered by Gosport Borough Council or a neighbouring local authority area.

Membership of unincorporated bodies

For unincorporated bodies please confirm that at least 21 members are included on Gosport Borough Council's register of electors and provide their names and addresses below or on a separate sheet of paper.

Your Organisation

Please provide a copy of the following as relevant to your organisation	Please tick documents provided
Memorandum of Association	
Articles of Association	
Companies House return	
Trust Deed	
Constitution / Terms of reference	
Standing Orders	
Interest Statement for Community Interest Company	

Part 2 - About the asset being nomination for inclusion in the list of assets of community value

Name and address of asset being nominated

Name

Address including post code

Maps and drawings

<p>Please provide information which will help to identify the exact location and extent of the asset being nominated. This could include:</p> <ul style="list-style-type: none">• Where the land is registered, the Land Registry Title Information document and map with boundaries clearly marked in red (less than one month old).• A written description with ordinance survey location, and explaining where the boundaries are, the approximate size and location of any building/s on the land and the names of any roads bordering the site.• A drawing or sketch map with boundaries clearly marked in red – websites which might help you in plotting boundaries include: http://maps.google.co.uk/

Current use of asset

What is the <u>current</u> main use of the asset?

Do you consider that the current and main use of the asset furthers the social wellbeing or cultural, recreational or sporting interests of the local community?
--

Yes		No	
-----	--	----	--

If yes, please provide explain how it does so. If no, please proceed to the next question.

Over what period is the main community use of the asset anticipated to continue?

Does the local community have legal and authorised use of the land or property?

If so, for what purpose? Does it, for example, hold meetings there and if so how frequently and for what purpose(s)?

Questions for assets not currently used for community benefit

If the main use of the asset does not currently further the social wellbeing or cultural, recreational or sporting interests of the local community, did it do so at some stage in the recent past?

Yes

No

Please provide details of how the asset was used in the past and dates of this usage.

How do you anticipate that the asset would return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?

When do you consider that the asset could realistically return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?

Further information

Please provide any further information to support why you feel that Gosport Borough Council should conclude that the asset is of 'community value'. Please attach any relevant supporting information.

Owner and occupier details (Please provide all information available to you)

	Name	Address	Please delete as appropriate
Owner/s			Current/ Last known/ Not known/ Not applicable
Lawful occupiers			Current/ Last known/ Not known/ Not applicable
Holder/s of freehold estate (if not the owner)			Current/ Last known/ Not known/ Not applicable
Holder/s of any leasehold estate			Current/ Last known/ Not known/ Not applicable

By signing your name here (if submitting by post) or typing it (if submitting electronically) you are confirming that the contents of this form are correct, to the best of your knowledge.

Name

Signature

Date

Please send your completed form to:

**MARK SIMMONDS
HEAD OF LEGAL SERVICES**

**TOWN HALL
HIGH STREET
GOSPORT
HAMPSHIRE
PO12 1EB**

Or e-mail to mark.simmonds@gosport.gov.uk

You may wish to obtain the support of your local Councillor to this nomination. To find out your local Councillor, please click here:

<http://www.gosport.gov.uk/sections/democratic-services/councillor-details/>

Hart District Council

Web link to online form: <https://www.hart.gov.uk/nominate-asset-community-value>

Request to nominate an asset of community value form and guidance

Please read the accompanying guidance notes when completing this form.
 If you have any queries, please contact Nicki Conyard, Community Team Leader on 02392 446279 or email: nicki.conyard@havant.gov.uk

PART A: ABOUT YOU

A1	Title	
	First name	
	Surname	
	Address	
	Postcode	
	Telephone number	
	E-mail address	
	Your relationship to the organisation	

PART B: ABOUT YOUR ORGANISATION

B1	Organisation name	
B2	Organisation type	
B3	Please describe its connection to the area	
B4	Charity registration no (if applicable)	

If not a registered charity, please attach evidence of your organisation's status such as Articles of Association and registration numbers, where applicable.

If your organisation is an unconstituted community group, please state how many members your organisation has and attach a list of names and home addresses of 21 members registered to vote in the nomination area.

PART C: ABOUT THE ASSET

C1	Name of asset	
C2	Address and/or location of the asset including post code	
C3	Description of the asset and its boundaries	<i>(you may attach photos and/or a plan as supporting evidence)</i>
C4	Background to asset:	
C5	What is the asset?	<i>(you may attach documents as supporting evidence)</i> Any information entered here may be copied and passed onto the owner of the property you are nominating; the rest of your nomination will not be shared with the owner.
C6	Why is the asset important to the community?	
C7	What difference will the asset make to the community?	
C8	Which sections of the community	

	can access the asset?	
C9	Will this change if the asset is managed by the community?	
C10	Current owner's name and address (if known)	
C11	Names of the current occupants (if known)	

You may attach photos, maps, plans and other documents to help us correctly identify the asset and to support your nomination.

Submit your completed form by email to Amanda.Fincham@easthants.gov.uk or post it to: Amanda Fincham, Central Support Manager, East Hampshire District Council, Penns Place, Petersfield, GU31 4EX

Guidance notes on completing the form

A1	Please give details of the main contact for this request to nominate a community asset. This would be the person who will receive all correspondence on behalf of the organisation and needs to have authorisation from the organisation to do so.
B1	Please give details of the registered name of the organisation.
B2	Please give details of the type of organisation who is applying bearing in mind that it MUST be one of the following: parish council, unincorporated body, charity, company limited by guarantee/industrial society/provident society that does not distribute a surplus to its members, community interest company. If it is "an unincorporated body" it must have at least 21 individual members who are Havant/East Hampshire electors and it must not distribute any surplus it makes to its members
B3	Please give details of the connection the organisation has to the nominated asset. This might be that the asset is currently used by the organisation or that it is situated within a certain parish boundary.
B4	Please state your Charity Registration No. if applicable.
Any information entered in Section C may be copied and passed onto the owner of the property you are nominating. Information in Section A and B will not be shared with the owner.	

C1	Please state the name the asset is commonly known by.
C2	Please state the postal address of the asset or its location including a post code if possible
C3	Please give a full description of the asset and include a plan as supporting evidence of its location. You may also include photographs and other material relating to the asset.
C4	Please tell us about the background to the asset. This could include its history, its former use and current use.
C5	Please categorise the asset. Is it a public house, park, open space for example? You may wish to include further information as supporting evidence.
C6	You need to demonstrate why the asset is of importance. This could be that it is the last public house in a village setting or a park which is at risk of being developed.
C7	We need to know why this asset makes a difference to the community, what would result without the asset and how this contributes to the well being of the community.
C8	Please tell us which sections of the community currently access the asset. This could be older people, children and young people, disabled people or minority groups
C9	If the asset is subsequently managed by the community will the user groups change?
C10 C11	Please give us any contact details you know about the current owner of the asset and the current occupants if you know them.

For office use only		Our reference	
Asset		Delegated Decision no.	



Assets of Community Value

Nomination Form

Before you complete this form, it is essential that you read the accompanying [guidance](#) notes.

There are strict legal criteria which must be adhered to when nominating assets of community value and we will not be able to consider your application unless all the information is provided.

If you have any queries about this application form email community.assets@horsham.gov.uk

Submit your completed form

✉ email to community.assets@horsham.gov.uk,

✉ post it to: Commissioning & Performance Department, Horsham District Council, Parkside, Chart Way, Horsham, West Sussex, RH12 1RL marked "Asset Nomination".

Timescales

We will acknowledge receipt of a completed nomination form within 5 working days.

We aim to come back to you with a decision within 8 weeks of receipt of a completed nomination form.

PART A: ABOUT YOUR ORGANISATION

1. CONTACT DETAILS

Note: No personal details or information will be made publicly available as part of this requirement.

Your Title	
Your First name	
Your Surname	
Telephone number	
E-mail address	
Your Position in organisation	

2. ABOUT YOUR ORGANISATION

Name of Organisation	
Address	
Postcode	

3. ORGANISATION TYPE

Description	Please tick any which apply	Charity Registration Number / Company number (if applicable)
Parish Council		
Neighbourhood Forum		
Unincorporated Group with at least 21 people on the electoral role within Horsham District or a neighbouring authority		
Charity		
Community Interest Company		
Company limited by guarantee		
Industrial and Provident Society		

Local Connection

Please describe how your organisation is connected to the local area.

Please refer to the guidance notes for more information.

Additional Supporting Evidence

Where relevant, please provide any additional evidence which demonstrates that your organisation is eligible to nominate assets of community value.

Unincorporated groups must demonstrate that there are at least 21 Members registered to vote within Horsham District or a neighbouring authority

Unincorporated group, a company limited by guarantee, or an industrial provident society must demonstrate that surplus fund are not distributed to Members but are applied wholly or partly for the benefit of the local area.

Please refer to the guidance notes for further information.

Please list any relevant supporting documents which are attached

PART B: ABOUT THE PROPOSED ASSET

4. ASSET DETAILS

Name of asset	
Address or location of the Asset	
Description of the asset and its boundaries	
Please provide information which helps to clarify the exact location and extent of the asset being nominated and a map with boundaries clearly marked in red.	

5. LANDOWNER DETAILS – we strongly recommend that you discuss your plans to nominate with the owner before submitting.

The Council is required to inform the landowner, leaseholder and occupants about your bid, and must also let them know the outcome of the Council's decision. Therefore please provide us with as much information as you can about the landowners and occupiers of the land or property you are nominating.

Current owner's name and address (if different to the address of the nominated asset)	
---	--

Current (if any) Leaseholders name and address	
Names of the current occupants (if different to owner or leaseholder)	

The nomination must answer the following questions about why the land or building is felt to be of community value.

6. DOES THE NOMINATED ASSET MEET THE DEFINITION OF “LAND OF COMMUNITY VALUE” SET OUT IN THE LOCALISM ACT 2011?

EITHER:

- (1) Is there an actual use of the building or other land that is not an ancillary* use which furthers the social wellbeing or social interests** of the local community?

AND

- (2) Is it realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests** of the local community?

Yes/No	Please explain why
--------	--------------------

OR

(1) Is there a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or social interests** of the local community?

AND

(2) Is it realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests* of the local community?

Yes/No	Please explain why

Note:

*A working definition of 'non-ancillary' is that the useage is not providing necessary support (eg cleaning) to the primary activities carried out in the asset, but is itself a primary, additional or complementary use.

** The definition of social interests includes (a) cultural interests (b) recreational interests and (c) sporting interests.

7. REASONS/EVIDENCE IN SUPPORT OF YOUR NOMINATION

Please use this space to set out why you believe the land or property you are nominating is a community asset.

Provide details and evidence of numbers of people making use of the facility; Calendar/session rotas for local groups and history of use where applicable.

<p><i>Please continue on additional sheet if necessary</i></p>
--

You may wish to consider this list of examples, but please note that this is not an exhaustive list

Examples
It provides opportunities for networking and connections (it brings members of the local community together)
It provides opportunities for physical activity or leisure or health activities
It provides opportunities for continuous learning and self improvement (e.g. through education, training courses, access to information etc)
It provides opportunities for local volunteering, sharing and donating

It serves to improve and/or protect the well being of children, young people, peoples with disabilities, or older persons in the community
It provides an opportunity for members of the community to keep in touch and communicate with relatives, friends and neighbours
It promotes the health and wellbeing of local residents
It is the last remaining asset of its type in the borough and it is important for the local community to keep it in use as its sale to a non community use would represent a significant loss to the community
It provides access to books, music, film, art, or theatrical performances for the local community
It allows residents with a certain faith or cultural background to put that faith or culture into practise
It makes leisure and entertainment activities accessible to the local community (e.g. dancing, theatre, art, cooking courses, crafting, gardening, and other sources of entertainment)
It is frequently used for community social and recreational events
It is a place that the local community frequently uses for entertainment and recreation purposes
It provides an area for outdoor leisure activities, not necessarily sports-related (e.g. picnics, walking trails, playgrounds and splash parks for children, etc)
It provides sports facilities for the local community to use
It serves as a hub for different sporting clubs and sports teams in the community

Submit your completed form

✉ email to community.assets@horsham.gov.uk,

📧 post it to: Commissioning & Performance Department, Horsham District Council, Parkside, Chart Way, Horsham, West Sussex, RH12 1RL marked "Asset Nomination".

Mid Sussex District Council

Assets of Community Value – The Community right to bid nomination form

Section A: About your organisation

A1. Organisation's name and address

Name of organisation: *(full name as written in your constitution or rules (if appropriate))*

Address including postcode:

A2. Contact details

Name:

Position in organisation:

Address including postcode:

Daytime telephone no.:

Email address:

How and when is it best to contact you?: *(by email or phone, and days of the week and/or times of day you would prefer)*

A3. Type of organization

Description	Put a cross against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum	<input type="checkbox"/>	
Parish Council	<input type="checkbox"/>	
Charity	<input type="checkbox"/>	
Community interest company	<input type="checkbox"/>	
Unincorporated body	<input type="checkbox"/>	

Description	Put a cross against all those that apply	Registration number of charity and/or company (if applicable)
Company limited by guarantee	<input type="checkbox"/>	
Industrial and provident society	<input type="checkbox"/>	

A4. Number of members registered to vote locally: *(unincorporated bodies only)*

In the case of an unincorporated body, at least 21 of its individual members must be registered to vote locally. If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Mid Sussex, please confirm which area that is.

A5. Local connection

In addition, your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Mid Sussex District Council or a neighbouring local authority. In some cases this will be obvious, e.g. a neighbourhood forum for an area within Mid Sussex, or an organisation whose activities are confined to the district. If it is not obvious, please explain what your organisation's local connection is.

A6. Distribution of surplus funds *(certain types of organisation only)*

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that any surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (i.e. within the administrative area of Mid Sussex or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

A7. More about your organization

What are the main aims and activities of your organisation?

A8. Your organisation's rules

Please send us the relevant type of document for your organisation, and put a cross in the next column to indicate which one this is:	
Memorandum and Articles of Association (for a company)	<input type="checkbox"/>
Trust Deed (for a trust)	<input type="checkbox"/>
Constitution and/or rules (for other organisations)	<input type="checkbox"/>

Part B: About the land or building(s) you are nominating

B1. Description and address

What it is (e.g. pub, local shop):

Name of premises:

Address including postcode (*if known*):

B2. Sketch plan

Please include (here or on a separate sheet) a sketch plan of the land. This should show:-

The boundaries of the land that you are nominating.

The approximate size and position of any building(s) on the land.

Any roads bordering the site.

You may need to contact the Land Registry (www.landregistry.gov.uk) to establish the extent of the land to be nominated.

Insert image here:



B3. Owners and others with an interest in the building or land

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name(s)	Address(es)
Names of all current occupants of the land		Same as B1.
Names and current (or last known) addresses of all those owning the freehold of the land (i.e. owner, head landlord, head lessor)		
Names and current (or last known) addresses of all those having a leasehold interest in the land (i.e. tenant, intermediate landlord, intermediate lessor)		

B4. Why you think the building or land is of community value

Note that the following are not able to be assets of community value:-

- A building wholly used as a residence, together with land “connected with” that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal
- A caravan site
- Operational land. This is generally land belonging to the former utilities and other statutory operators.

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past? If so, how?

Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

*These could include cultural, recreational and/or sporting interests, so please say which one(s) apply.

B5. How could the building or land be acquired and used in future?

If it is listed as an asset of community value, community interest groups (not limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community.

Section C: Submitting this nomination

C1. What to include

The rules of your organisation (question A8). Your sketch plan (question B2).

C2. Signature

By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.

Signature

Print Signature

--	--

Date

C3. Where to send this form

You can submit this nomination:

By post to: Property & Asset Maintenance Section, Mid Sussex District Council, Oaklands, Oaklands Road, Haywards Heath, West Sussex, RH16 1SS

or

By email to: property@midsussex.gov.uk

Community Right to Bid

Assets of Community Value Nomination form

Part A - About the group making the nomination

A1. Organisation's name and address

Name of organisation

Address including post code

A2. Contact details

Name

Position in organisation

Address including postcode

Daytime telephone number

Email address

Fax number

A3. Type of organisation

Description	Please tick all that apply	Registration number (if applicable)
Town or Parish council		
Body designated as a neighbourhood forum under the Town and Country Planning Act		
Unincorporated bodies with at least 21 individual members and which does not distribute any surplus it makes to its members		
Charity		
Company limited by guarantee which does not distribute any surplus it makes to its members		
Industrial and provident society which does not distribute any surplus it makes to its members		
Community interest company		
Other – please detail		

A4. Local Connection

For groups other than town and parish councils, please confirm and provide evidence (see A7) that the group is wholly or partly concerned with the area covered by New forest District Council or a neighbouring local authority area

A5. Distribution of surplus funds

For groups other than town and parish councils, please confirm and provide evidence (see A7) that any surplus made by the group is wholly or partly applied for the benefit of the area covered by New Forest District Council or a neighbouring local authority area

A6. Membership of unincorporated bodies

For unincorporated bodies please confirm that at least 21 members are included on New Forest District Council's register of electors and provide their names and addresses below

A7. Your organisation

Please provide a copy of the following as relevant to your organisation	Please tick documents provided
Memorandum of Association	
Articles of Association	
Companies House return	
Trust Deed	
Constitution / Terms of reference	
Standing Orders	
Interest Statement for Community Interest Company	

Part B - About the asset being nomination for inclusion in the list of assets of community value

B1. Name and address of asset being nominated

Name

Address including post code

B2. Maps and drawings

Please provide information which helps to clarify the exact location and extent of the asset being nominated. This could include:

- Where the land is registered, the Land Registry Title Information document and map with boundaries clearly marked in red (less than one month old). Provision of Land Registry information is not essential but it may help us to reach a decision on the nomination more quickly.
- a written description with ordinance survey location, and explaining where the boundaries lie, the approximate size and location of any building/s on the land and details of any roads bordering the site
- a drawing or sketch map with boundaries clearly marked in red – websites which might help you in plotting boundaries include: <http://maps.google.co.uk/>

B2. Current use of asset

What is the current main use of the asset?

Do you consider that the **current** and **main** use of the asset furthers the social wellbeing or cultural, recreational or sporting interests of the local community?

Yes

No

If yes, please provide explain how it does so. If not, go to B3

Over what period is this main use of the asset anticipated to continue?

Does the local community have legal and authorised use of the land or property?

B3. Questions for assets not currently used for community benefit

If the main use of the asset does not currently further the social wellbeing or cultural, recreational or sporting interests of the local community, did it do so at some stage in the recent past?

Yes		No	
------------	--	-----------	--

Please provide details of how the asset was used in the past and dates of this usage

How do you anticipate that the asset would return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?

When do you consider that the asset could realistically return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community (please include timescales)?

B4. Optional information to help us consider the nomination (it is not essential to answer these questions but they reflect part of the criteria we which will be used to consider the nomination. Any information you can supply will help to speed up this process.

Is the asset used wholly or partly as a residence? Please provide details.

Is the asset covered by the Caravan Sites and Control of Development Act 1960? Please provide details.

Is the asset defined as operational land under section 263 of the Town and Country Planning Act 1990, owned by statutory undertakers such as utility companies? Please provide details.

B5. Further information

Please provide any further information to support why you feel that New Forest District Council should conclude that the asset is of 'community value'

B6. Owner and occupier details (Please provide all information available to you)

	Name	Address	Please delete as appropriate
Owner/s			Current/ Last known/ Not known/ Not applicable
Lawful occupiers			Current/ Last known/ Not known/ Not applicable
Holder/s of freehold estate (if not the owner)			Current/ Last known/ Not known/ Not applicable
Holder/s of any leasehold estate			Current/ Last known/ Not known/ Not applicable

By signing your name here (if submitting by post) or typing it (if submitting electronically) you are confirming that the contents of this form are correct, to the best of your knowledge.

Name

Title

Signature

Date

Please send your completed form to:

**Community Right to Bid,
Executive Head of Governance & Regulation
New Forest District Council
Appletree Court
Beaulieu Road
Lyndhurst
SO43 7PA**

Email: grainne.orourke@nfdc.gov.uk



Assets of Community Value - Nomination form

Submit your completed form by email to planningpolicy@newark-sherwooddc.gov.uk

Part A: ABOUT YOU

Title	
First name	
Surname	
Address	
Postcode	
Telephone number	
E-mail address	
Your role/relationship to the organisation	

Part B: ABOUT YOUR ORGANISATION

Organisation name	
Organisation address	

Please indicate which one of the following categories your organisation falls within.	Tick as appropriate
A Parish Council	
Neighbourhood forum a body designated pursuant to section 61F of the Town and Country Planning Act 1990	
An unincorporated body (1) Whose members include at least 21 members (2) Which does not distribute any surplus it makes to its members (please include Articles of Association)	
A charity (include Charity registration number here)	
A company limited by guarantee that is non-profit distributing (include Company registration number here)	
Community Interest Company	
Industrial and Provident Society that is non-profit distributing	
Please tick to confirm that you have included evidence of your organisation's status (such as Articles of Association). Please note this will be unnecessary for a Parish Council.	

Part C: ABOUT THE ASSET

Name of asset (building or land)		
The following are exempt from a nomination to bid. Please confirm that the property you are nominating is not:		
Residential property (includes gardens, outbuildings and associated land)		
Land licensed for use as a caravan site		
Operational land of statutory undertakers		

Address or location of the asset	
Description of the asset and its boundaries	
Provide an Ordnance Survey plan if possible	
Reasons for nomination (Tick Box) (You may attach documents as supporting evidence)	
Building or other land whose main (i.e. non ancillary) use furthers the social wellbeing or social interests of the local community	<input type="checkbox"/>
Or has recently done so and it is realistic to think it can do so in the future	<input type="checkbox"/>
Please provide reason for ticking the box(es) above and your detailed reasons why the authority should conclude this is land of community value (continue on another sheet if necessary)	

What area of social interests does the Asset further? Give reasons why you believe the principal (ie main) use of the asset furthers, or has recently furthered, social wellbeing or social interests (ie cultural, sporting or recreational)			
Cultural		Recreational	Sporting
Other (please state)			
Please give full details here (continue on another sheet as necessary)			
Current owner's name and address (if known)			
Current occupiers/ leaseholders name and contact address			

Please attach photos, maps, plans and other documents to help identify the asset and to support your nomination

NOTTINGHAM CITY COUNCIL

Assets of Community Value - Nomination form

Please read the Guidance Notes before completing this nomination form.

When you have completed this nomination form you can submit (preferably by email) to:

- **By e-mail** to development.management@nottinghamcity.gov.uk
- **By post** to Nottingham City Council, Development Management, Box LH5, Loxley House, Station Street, Nottingham, NG2 3NG

1. About you and your organisation:

Contact Details:	
Contact Title:	
Contact name:	
Contact Address	
Post code	
Telephone number:	
E-mail address:	
Your role/relationship to the organization	
Name of organisation:	
Organisation Address and post code:	

A1) Please indicate which type of eligible organisation you are.

Please see the Guidance Notes for a list of the supporting evidence to include where appropriate.

	Put a tick against all those that apply and include Registration number of charity and/or company (if applicable)
Neighbouring Parish Council	
Neighbourhood forum a body designated pursuant to section 61F of the Town and Country Planning Act 1990	
An unincorporated body (1) Whose members include at least 21 members (2) Which does not distribute any surplus it makes to its members (please include Articles of Association)	
A charity (include Charity registration number)	
A company limited by guarantee that is non- profit distributing (include Company registration number)	
Community interest company	
Industrial and Provident Society that is non- profit distributing	

A2) What is your local connection to the nominated asset?

Please see the Guidance Notes for detail on what to include in this response.

A2.1) Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Nottingham City Council or a neighbouring local authority. If your connection may not be obvious to us please explain what your organisation's local connection is.

A2.2) Number of members registered to vote locally (unincorporated bodies only)

In the case of an unincorporated body, at least 21 of its members must be registered to vote in Nottingham City. If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Nottingham, please confirm which area that is.

A2.3) Distribution of surplus funds (certain types of organisation only)

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of Nottingham City or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

A2.4) More about your organisation

What are the main aims and activities of your organisation?

A2.5) Your organisation's rules

Please send us a copy of the relevant type of document for your organisation, and put a tick in the next column to indicate which one this is	
Memorandum and Articles of Association (for a company)	
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	

2. Details of nominated asset:

A3) Please provide details of the land and/or building you wish to nominate.
Within this section please include the following information:

- *A description of the nominated land including its proposed boundaries*
- *The names of the current occupants of the land*
- *The names and current or last-known addresses of all those holding a freehold or leasehold estate in the land*

A4) The following are exempt from a nomination to bid. Please confirm that the property you are nominating is not:	
Residential property (includes gardens, outbuildings and associated land)	
Land licensed for use as a caravan site	
Operational land of statutory undertakers	

B1) What is the current or recent non-ancillary use of the land and/or building?

Please see the Guidance Notes for examples of the supporting evidence you can provide.

B2) Sketch Plan

Please include (photos and/or plan as supporting evidence here or on a separate sheet) This should show:-

- The boundaries of the land that you are nominating
- The approximate size and position of any building(s) on the land.
- Any roads bordering the site.

3. Is the asset of community value?

C) Why do you believe the asset is of community value?

This section is based on how the asset is currently used or has been used in the recent past (the legislation does not provide for a specific period, but as a general rule use in the past three years is considered to be relevant)

Please see below a list of questions that you should answer in this section and refer to the Guidance Notes for detail on the types of supporting evidence that should be included.

Unsupported evidence of why you believe the asset is of community value may result in the asset not being nominated or a request for further evidence

- What is the current/recent use of the building/property/land?
- How well is/was the building/property/land used?
- What will the impact be if the usage ceases? If usage has ceased already, what has the impact been?
- Does it/did it meet the social interests of the different parts of the community? (please give examples of such a use by community groups or sporting clubs)
- How strongly does the local community feel about the usage as furthering their social interest?

4. Future usage

D) Why do you believe the asset will continue to be of community value?
Please see below a list of questions that you should answer in this section and refer to the Guidance Notes for detail on the types of supporting evidence that should be included.

- D1) What is the proposed future use of the building/property/land?

- D2) Will it meet the social interests of the different parts of the community? (please give examples of such a use by community groups or sporting clubs)

--

5. Realism of future usage

E1) Has the land and/or building requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose?

E2) If yes to E1 above, how could it be made fit for purpose practically within reasonable resource requirements and timescales? <i>Please see the Guidance Notes for examples of the supporting evidence you can provide.</i>

Checklist

F1) Please confirm that you have read the related guidelines	
F2) Please confirm that you have answered all of the questions	
F3) Please confirm that the contents of this form supplied by your organisation are correct, to the best of your knowledge	
F4) Please ensure that you have attached all of the documents that are relevant to your application	

Publication of Information

I agree to any personal information contained in this form being published by the Council	Yes/No
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List of Assets of Community Value Nomination Form

It is a legal requirement that nominations include a range of information in order for applications to be considered. This application form seeks to assist applicants in providing that information. Applicants are referred to the city council's guidance note at: www.portsmouth.gov.uk/living/planning

Please note: this form is intended to be filled out online. If filled out in hard copy, enlarge the text boxes before printing or attach additional sheets.

1A. Details of the voluntary or community body ¹	
Organisation name:	Organisation address:
Lead contact person name:	Contact email address:
Contact person telephone number:	Contact person address:
Date of formation of organisation:	Place of formation of organisation:
<p>Please tick a box below to confirm the type of voluntary or community body² you are:</p> <p><input type="checkbox"/> A body designated as a neighbourhood planning forum</p> <p><input type="checkbox"/> A parish council</p> <p><input type="checkbox"/> An unincorporated body whose members include at least 21 individuals, and which does not distribute any surplus it makes to its members</p> <p><input type="checkbox"/> A charity</p> <p><input type="checkbox"/> A company limited by guarantee which does not distribute any surplus it makes to its members</p> <p><input type="checkbox"/> An industrial and provident society which does not distribute any surplus it makes to its members</p> <p><input type="checkbox"/> A community interest company</p>	

¹ A voluntary or community body may make a nomination of land for inclusion in the City Council's list of assets of community value (Section 89 (2) (b) (iii) Localism Act 2011).

² A voluntary or community body is defined by Regulation 5 of the Assets of Community Value (England) Regulations 2012

1B. Further details

Please provide a full description of the applicant body, setting out name, address, lists of members (where an unincorporated body), confirmation that (where an unincorporated body, company or industrial provident society) the body does not distribute any surpluses:

1C. Local connection³

Please explain how your organisation meets the requirements for “local connection”. For the definition of a “local connection” please see paragraph 5.5 of the city council’s guidance:

³ A voluntary or community body making an application for nomination of land as an asset of community value must have a ‘local connection’ as defined in Regulation 4 Assets of Community Value (England) Regulations 2012

This document was updated November 2012. The council reserves the right to update this document from time to time. Applicants are advised to check the most recent version of this document on the council’s website.

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2. Description of property/land nominated
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<p>(a) A description of the property, the proposed boundaries and its current use. Please attach a site plan:</p>

<p>(b) The name(s) of the current occupants/users of the property (if known):</p>

(c) The name(s) and current or last known addresses of all owners, i.e. those holding a freehold or leasehold in the property (if known):

3. Statement of reasons

Please provide a statement of your reasons as to why the city council should conclude that the property is an asset of community value, providing as much information as you can to support your application.

For more information on this section please paragraphs 6.1, 6.2 and 6.3 of the City Council's guidance.

(a) Please state your reasons as to why the current use of the property, or its use in the recent past, furthers the social wellbeing or social interests of the local community (social interests means cultural, recreational or sporting interests):

(b) Nominees must demonstrate that the continued (or the resumption of the) social wellbeing use, or social interests use (either current, or in the recent past), is realistic. Accordingly, where it is appropriate to the viability of that use, applicants must include a business plan projecting market demand, any necessary investment and expenditure (where appropriate), together with any information which would be a prerequisite for the use of the asset to be maintained or resumed. Although proof of purchase-funding of the asset is not necessarily required at this stage, nominees should outline how such a purchase may be financed:

4. Checklist

Please make sure you attach all of the following;

- a copy of your organisation's constitution if it has one
- if your organisation is unincorporated, the names and addresses of 21 members who are registered to vote in the electoral area of Portsmouth
- a site plan showing the property and its boundaries
- a statement of reasons, including a business plan

5. Declaration

I confirm that this application form has been fully completed and that the information is, to the best of my knowledge, accurate to enable the Council to consider the nomination in accordance with the provisions contained in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.

Signed

Print Name

Date

Submitting your application

If submitting by post: Assets of Community Value,
Planning Services,
Portsmouth City Council,
Civic Offices,
Guildhall Square,
Portsmouth,
Hampshire,
PO1 2AU.

If submitting by email: planningpolicy@portsmouthcc.gov.uk

Form updated: November 2012

ASSETS OF COMMUNITY VALUE NOMINATION FORM

Please read the Guidance Notes before completing this nomination form.

When you have completed this nomination form you can submit:

- **By post** to: Corporate Director for Regeneration Services, Redcar & Cleveland House, Kirkleatham Street, Redcar, TS10 1RT
- **By e-mail** to: contactus@redcar-cleveland.gov.uk

1. Details of organisation submitting the nomination form:

Contact Details:			
Name of organisation:			
Contact title:			
Contact name:			
Address of organisation:			
Phone number:		Post code:	
E-mail address:			

A1) Please indicate which type of eligible organisation you are.	
<i>Please see the Guidance Notes for a list of the supporting evidence to include where appropriate.</i>	
A Neighbourhood Forum	
A Parish Council	
An Unincorporated Body (whose members include at least 21 individuals registered on the electoral roll of the local authority or a neighbouring local authority, and which does not distribute any surplus it makes to its members)	
A Charity	
A Company Limited by Guarantee	
An Industrial & Provident Society	
A Community Interest Company	

2. Details of nominated asset:

A2) What is your local connection to the nominated asset?
<i>Please see the Guidance Notes for detail on what to include in this response.</i>

A3) Please provide details of the land and/or building you wish to nominate.

Within this section please include the following information:

- *A description of the nominated land including its proposed boundaries*
- *The names of the current occupants of the land*
- *The names and current or last-known addresses of all those holding a freehold or leasehold estate in the land*

A4) Please confirm that the nominated asset is outside one of the categories that cannot be assets of community value. Please see Schedule 1 of the Assets of Community Value (England) Regulations 2012.

B1) What is the current or recent non-ancillary use of the land and/or building?

Please see the Guidance Notes for examples of the supporting evidence you can provide.

3. Is the asset of community value?

C) Why do you believe the asset is of community value?

This section is based on how the asset is currently used or has been used in the recent past (the legislation does not provide for a specific period, but as a general rule use in the past five years is considered to be relevant)

Please see below a list of questions that you should answer in this section and refer to the Guidance Notes for detail on the types of supporting evidence that should be included.

- C1) Does it/did it meet the social interests of the community as a whole and not the users/customers of a specific service?

- C2) What is the current/recent use of the building/property/land?

- C3) Why is the current usage seen as having social value in the context of the local community?

- C4) Explain how the usage of the asset will further the social interests of the local community.

4. Realism of future usage

D) Why do you believe the asset will continue to be of community value?

Please see below a list of questions that you should answer in this section and refer to the Guidance Notes for detail on the types of supporting evidence that should be included.

- D1) What is the proposed future use of the building/property/land?

- D2) Has the land and/or building requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose?

- D3) If yes to D1 above, how could it be made fit for purpose practically within reasonable resource requirements and timescales? *Please see the Guidance Notes for examples of the supporting evidence you can provide.*

Publication of Information

I agree to any personal information contained in this form being published by the Council	Yes / No
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Community Asset Nomination Form.



COMMUNITY ASSET NOMINATION FORM

If you need assistance completing this form please refer to the Procedure Guide which can be downloaded from the Council's website.

Section 1 About your community organisation	
Name of Organisation:	_____
Address of Organisation:	_____
Postcode:	_____
Your details:	
Title	: _____ First
Name: Surname	: _____
Position in organisation	: _____
Email address	: _____
Address	: _____
Postcode	: _____ Tel: _____ Mobile: _____
Organisation type	<input type="checkbox"/> Parish Council <input type="checkbox"/> Unincorporated Community <input type="checkbox"/> Group Neighbourhood Forum <input type="checkbox"/> Community Interest Company <input type="checkbox"/> Industrial and Provident Society <input type="checkbox"/> Company Limited by Guarantee <input type="checkbox"/> Charity <input type="checkbox"/> Other: Please State _____
How many members do you have? This is particularly important for unincorporated community groups. ____ members.	
Section 2 About the asset to be nominated	
Name of asset	_____
Address of asset	_____
Postcode	_____
Owner's name	_____
Address	_____
Postcode	_____
Tel No.	_____
Current occupier's name	_____

RUSHMOOR BOROUGH COUNCIL

ASSETS OF COMMUNITY VALUE – THE COMMUNITY RIGHT TO BID

NOMINATION FORM

Before completing this form, please read the material at

www.mycommunityrights.org.uk

Section A: About your organisation

A1 Organisation's name and address

Name of organisation*

Address including postcode

**full name as written in your constitution or rules (if appropriate)*

A2 Contact details

Name

Position in organisation

Address including postcode

Daytime telephone no.

Email address

How and when is is best to contact you?*

**by email or phone, and days of the week and/or times of day you would prefer*

A3 Type of organisation

Description	Put a cross against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council		
Charity		
Community interest company		
Unincorporated body		
Company limited by guarantee		
Industrial and provident society		

A4 Number of members registered to vote locally (unincorporated bodies only)

In the case of an unincorporated body, at least 21 of its individual members must be registered to vote locally. If relevant, please confirm the number of such members. If they are registered to vote in the area of a neighbouring local authority, rather than in Rushmoor, please confirm which area that is.

A5 Local connection

In addition, your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Rushmoor Borough Council or a neighbouring local authority. In some cases this will be obvious, eg. a neighbourhood forum for an area within Rushmoor, or an organisation whose activities are confined to the Borough. If it is not obvious, please explain what your organisation's local connection is.

A6 Distribution of surplus funds (certain types of organisation only)

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that any surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (ie. within the administrative area of Rushmoor or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically to which area this applies.

A7 More about your organisation

What are the main aims and activities of your organisation?

A8 Your organisation's rules

Please send us the relevant type of document for

Put a cross against the

your organisation, and put a cross in the next column to indicate which one this is	type of document that applies
Memorandum and Articles of Association (for a company)	
Trust Deed (for a trust)	
Constitution and/or rules (for other organisations)	

Part B: About the land or building(s) you are nominating

B1 Description and address

What it is (eg. pub, local shop)
Name of premises (eg. Royal Oak / Littletown stores)
Address including postcode (if known)

B2 Sketch plan

Please include (here or on a separate sheet) a sketch plan of the land. This should show:-

- The boundaries of the land that you are nominating
- The approximate size and position of any building(s) on the land.
- Any roads bordering the site.

B3 Owners and others with an interest in the building or land

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name(s)	Address(es)
Names of all current occupants of the land		
Names and current or last known addresses of all those owning the freehold of the land (ie. owner, head landlord, head lessor)		
Names and current or last known addresses of all those having a leasehold interest in the land (ie. tenant, intermediate landlord, intermediate lessor)		

B4 Why you think the building or land is of community value

Note that the following are not able to be assets of community value:-

- *A building wholly used as a residence, together with land “connected with” that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.*
- *A caravan site.*
- *Operational land. This is generally land belonging to the former utilities and other statutory operators.*

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past? If so, how?

It Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

**These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.*

B5 How could the building or land be acquired and used in future?

If it is listed as an asset of community value, community interest groups (not limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community.

Section C: Submitting this nomination

C1 What to include

- The rules of your organisation (question A8).
- Your sketch plan (question B2).

C2 Signature

By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.

--

C3 Where to send this form

You can submit this nomination:-

- **By post to:** Ann Greaves, Solicitor to the Council, Rushmoor Borough Council, Council Offices, Farnborough Road, Farnborough, Hants GU14 7JU; or
- **By email to:** ann.greaves@rushmoor.gov.uk

Nomination form for an Asset of Community Value Community Right to Bid



The Council encourages any group who is interested in nominating an asset to engage in a pre-nomination discussions with the Council. Please email community.right.to.bid@southampton.gov.uk.

If you are intending to print this form and complete it by hand please use black ink to complete – information boxes marked with a * are mandatory and must be included. Guidance notes are available on the website, (insert website address). If you would like a hardcopy of the guidance notes please contact the Council using the contact details above.

Southampton City Council will retain this information for the purposes of Assets of Community Value Regulations 2012. As per the regulations some of the information will be in the public domain. The Council will not use your personal details for any unrelated purposes or pass to any third parties unless it is required to do so by rule of law. If you have any queries on this please contact us using the details below.

1. Applicant/ Nominee details *

Please note that the name and address of the nominees (both personal and organisations) will be published and will be in the public domain.

Name

Company/ Organisation

Address and postcode

Email address

Daytime telephone number

2. Nominees qualifying status *

Please tick the following to identify your nominee status (tick all that apply)

an unincorporated body – (i) whose members include at least 21 individuals (registered to vote in the Southampton area – this includes Southampton City, Eastleigh Borough, Test Valley Borough, New Forest District), and (ii) which does not distribute any surplus to its members

a body designated as a Neighbourhood Forum pursuant to section 61F of the Town and Country Planning Act 1990(b)

a Charity and insert Charity number

a Community Interest Company

a Company Limited by Guarantee which does not distribute any surplus it makes to its members

an industrial and provident society which does not distribute any surplus it makes to its members

3. Property nomination *

Number or building name

Street name

Locality

Political Ward Postcode

4. Location plan

Is a location plan with site boundaries outlined in red on an OS licensed plan (1:1250) included?

Yes No

5. Owner *

Please provide details of the current or last known address of all those holding a freehold or leasehold estate in the land/ property.

Name / contact

Company / organisation

Address and postcode

Email address

Daytime telephone number

6. Occupier *

Please provide details of the current occupiers of the land/ property

Name / contact

Company / organisation

Address and postcode

Email address

7. The reasons for the Authority to conclude the land/ property is of Community Value *

Please state your reasons for thinking that the Council should conclude that the property is of Community Value and provide as much information as you can to support your application. This will be displayed in the public domain, please do not provide personal information, any information which can identify any private individual or any other confidential information in this section. (Please refer to guidelines)

(If there is not sufficient space, please continue on an additional sheet of paper and append to the application)

8. Declaration

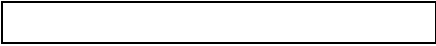
I/ We hereby apply to nominate the property in this form with the accompanying plans and additional information and confirm we qualify to nominate the property in accordance with the Assets of Community Value Regulations 2012.

Name (Print in capitals)

Signed

Posting to us: FAO: Claire Gribble, Southampton City Council, Civic Centre, First Floor, East Wing, Southampton, SO14 7LY

Date



Emailing to us: community.right.to.bid@southampton.gov.uk

**Test Valley Borough Council
Nomination Form
Community Right To Bid**

Please read the attached Guidance Notes before completing this form. If you need further assistance please email crtb@testvalley.gov.uk

This nomination form can be completed either online or by printing the form and completing the required detail in writing.

Part A: About You

Title	
First Name	
Surname	
Address	
Telephone Number	
Email address	
Your position in the Parish Council, voluntary or community organisation	"I confirm that I have been authorised by my organisation to make this Nomination."

Part B: About Your Organisation

Name of Organisation	
Address	
Telephone	
Email address	
Name of contact (if different from Part A)	

B.1 Type of Organisation

Unincorporated Community/Voluntary Group

Neighbourhood Forum

Parish Council/Neighbouring Parish Council

Charity (registered number)

Company Limited by Guarantee (non profit distributing)
 Community Interest Group
 Industrial and Provident Society (non profit distributing)

Please attach proof of your organisation’s status, such as Trust Deed, Articles of Association, Company registration number, Charity Number, etc

If your organisation is an Unincorporated Community/Voluntary Group, please state how many members your organisation has and attach a list of names and home addresses of 21 members who are on the electoral register of Test Valley Borough Council.

B.2 Local Connection

Please provide evidence that your organisation has a local connection with the area of Test Valley Borough Council

Part C: About the Asset of Community Value

Name of Land/Building	
Address of Land/Building	
Freeholders Name	
Address	
Telephone Number	
Email address	
Leaseholders Name	
Address	
Telephone Number	
Email address	
Current Occupiers Name	
Address (if different from above)	
Telephone number	
Email address	

Please attach a map which shows the boundaries of the nominated land/building together with any photographs or other materials which support your nomination. Also include any information as to whether the land is Registered Title, whether that be the document itself or the Title number. The boundaries may not be the same as the boundaries of legal ownership and may cover land or buildings in different ownership.

C1: Your explanation of the community value:

Why do you think that the land/building is of community value? In answering the question you should address the following questions in addition to any particular explanation for your reasons for nominating the land/building.

Does the actual current use further the social wellbeing and interests of the local community?

Is that use the primary use, or an ancillary use?

Is it realistic to think that the building/land could continue to further the social wellbeing and interests of the local community, whether as used currently or otherwise?

If the land/buildings have ceased to be used for the social wellbeing and interests of the local community in the recent past (and that use was not an ancillary use), is it realistic to think that there will be a time in the next 5 years when a use which would further the social wellbeing or interests of the local community could be re-established?

D: Declaration

I declare that to the best of my knowledge and belief the information contained in this nomination form is complete and accurate.

Signed

Dated

Please send the completed nomination form to crtb@testvalley.gov.uk or Head of Administration, Test Valley Borough Council, Beech Hurst, Weyhill Road, Andover SP10 3AJ.

Test Valley Borough Council will make a decision on the whether or not to accept your nomination having regard to the information provided in this form. Please complete the form as fully and accurately as you can, inadequate or inaccurate information may lead to your application being returned to you for further information or declined.

Please ensure that you attach any additional or supplementary documents to this form. When completing the form please make clear references to any documents on which you rely.

Guidance Notes- Completing the Nomination Form

Part A: About You

We will use this information to contact you directly. We may need to ask further questions regarding your nomination, and we will of course need to advise you of our decision regarding your nomination and any later review.

Part B: About Your Organisation

The Community Right To Bid is only open to specified organisations. We need to be certain that you are acting for such an organisation.

A 'local voluntary and community body' is defined in the Regulations (<http://www.legislation.gov.uk/uksi/2012/2421/contents/made>). This means your organisation must be one of the following:

- A body designated as a neighbourhood forum pursuant to section 61F of the
- Town and Country Planning Act 1990;
- A parish council;
- An unincorporated body –
 - Whose members include at least 21 individuals, and
 - Which does not distribute any surplus it makes to its members;
- A charity;
- A company limited by guarantee which does not distribute any surplus it makes to its members;
- An industrial and provident society which does not distribute any surplus it makes
- to its members (defined as a body registered or deemed to be registered under
- the Industrial and Provident societies Act 1965 which meets one of the conditions
- in section 1 of that Act) ; or
- A community interest company.

In addition where you are not a Parish Council, you must prove a local connection.

A local connection will be established where:

- The body's activities are wholly or partly concerned –
 - with the local authority's area or
 - with a neighbouring authority's area;

- In the case of an unincorporated body, a company limited by guarantee or an industrial and provident society:
 - Any surplus it makes is wholly or partly applied –
 - For the benefit of the local authority's area, or
 - For the benefit of a neighbouring authority's area; and
- A parish council has a local connection with land in another parish council's area if any part of the boundary of the first council's area is also part of the boundary of the other council's area.
- A parish council's area is within the local authority's area, but is not in any parish council's area if –
 - the council's area is within the local authority's area or
 - any part of the boundary of the council's area is also part of the boundary of the local authority's area.

Part C: About the Asset of Community Value

The legislation defines land of community value. Land (land and buildings) is of community value if:

- the current use furthers the social wellbeing and social interests of the local community which might include cultural, recreational or sporting interests, or a use in the recent past has done so; and
- that use is not an ancillary use (the use for social wellbeing or interests is the principal use); and
- it is realistic to think that there can continue to be a use which furthers the social wellbeing or social interests of the community or for land in community use in the recent past it is realistic to think that there will be a community use within the next five years (whether or not that use is exactly the same as current or previous uses): and
- the land doesn't fall within one of the exemptions which appear in the legislation

Social interests include cultural interests, recreational interests and sporting interests.

Social wellbeing is a much broader concept and can cover a range of economic, social and environmental benefits that might realistically be secured by virtue of securing the nominated asset for the community.

The Regulations (<http://www.legislation.gov.uk/uksi/2012/2421/contents/made>) specify some land or buildings which cannot be listed as assets of community value:

- Residences and contiguous land connected with the residence
- Residences that are temporarily unoccupied
- Holiday dwellings
- Hotels and residential lettings
- HMOs
- Licensed caravan sites
- Operational land for transport networks and statutory undertakers (under S263 of the Town & Country Planning Act 1990)

The following may however be listed as assets of community value:

- Buildings only in part-use as a residence
- Non-residential land with planning consent for residences
- Uncompleted residential buildings
- Former residences with an agreed change of use

What happens next?

The council has 8 weeks in which to decide whether to accept your nomination and to add the nominated land or building to the list of Assets of Community Value.

The council must inform the owner and others of the application, including the parish council that it is considering your application to list the land or building.

We may need to contact you if there are any questions we need you to answer before we can proceed. You will be informed of our decision whether or not your nomination is successful.

The owner will also be informed of our decision and will be given the opportunity to seek the review of our decision in the event that the land or building is added to the list. In the event that the owner does seek a review, the land or building will remain on the list and cannot be sold until the review and any subsequent appeal are settled.

Please go to the website for further information and guidance, or alternatively email crtb@testvalley.gov.uk or contact the Head of Administration.

Nomination for listing as an asset of community value

Nominated land

<p>Area to be covered Please describe the nominated land including its proposed boundaries and exact location, address, postcode and a map attachment.</p>	
---	--

<p>Ownership Please state all the information you have on: (i) the names of current occupants of the land, and (ii) the names and current or last known addresses of all those holding a freehold or leasehold estate in the land; Please include a copy of the land registry entry.</p>	
---	--

<p>Community value</p> <p>Your reasons for thinking that Wiltshire Council should conclude that the land is of 'community value', having regard to the definition in the Localism Act:</p> <ul style="list-style-type: none"> • current primary use of the building/ land or use of the building/ land in the recent past furthers the social well-being or social interests (cultural, recreational, or sporting interests) of the local community • it is realistic to think that now or in the next five years there could continue to be primary use of the building/land which will further the social well-being or social interests of the local community (whether or not in the same way as before) 	
---	--

<p>Eligibility to nominate</p> <p>Please provide evidence that you meet the definition of a community nominator as set out in the regulations (i.e. a parish council or voluntary or community body with a local connection).</p> <p>If an unincorporated group please provide a list of 21 names on the local electoral register.</p>	
---	--

Your details

Parish	
Community area	
Your organisation	
Contact name	
Position held	
Address	
Postcode	
Telephone	
Email	

I confirm that all information provided is accurate and complete

Name	
Signature	
Date	

Please return to assetsofcommunityvalue@wiltshire.gov.uk (scanned attachments can be accepted) or via post to Simon Day, Economic Development & Planning, Wiltshire Council, Monkton Park, Chippenham, Wiltshire, SN15 1ER.

Community Right to Bid

Nominating an Asset of Community Value

Please contact Steve Lincoln if you have any questions about this form:
slincoln@winchester.gov.uk / 01962 848110

Section 1: Nominator Information

*1.1 Name of Organisation:.....

*1.2 Name of Key Contact:.....

Address:.....

.....

.....

Postcode:.....

Telephone:.....

Email:.....

*1.3 You must be one of the following community bodies to make an eligible nomination. Please indicate which category applies to your organisation):

- Parish Council
- Neighbourhood Forum
- Unincorporated Body (minimum of 21 local members)*
- Company Limited by Guarantee*
- Charity
- Industrial and Provident Society*
- Community Interest Company

* *These bodies must not distribute surplus to members*

*1.4 Local Connection: Are your activities wholly or partly concerned with the Winchester District or a neighbouring local authority area?

YES / NO

*1.5 If you make a surplus, is this wholly or partly applied either for the benefit of the Winchester District, or for the benefit of a neighbouring authority's area?

YES / NO / NA

Section 2: Community Asset Information

*2.1 Name of nominated land and/or building:.....
.....

*2.2 Description of land and/or building with proposed boundaries:
.....
.....
.....
.....
.....
.....

NOTE: This will need to be accompanied by a map (recommended scale 1:1250 for larger sites and 1:500 for smaller sites) which clearly marks out these boundaries. Winchester City Council will be able to assist with providing this map if necessary.

2.3 What is the land and/or building's primary function? eg. pub, library
.....

2.4 Is the asset currently being used by the community? YES / NO
If NO, how long since the asset was last used by the community?
[Date]...../...../.....

2.5 How many other community facilities with a similar function are within 1km of the nominated land/building?

2.6 Do any community groups hold meetings here? YES / NO
Please list: 1.....
2.....
3.....
4.....
5.....

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Section 3: Owner Information

3.1 Name of Owner:.....

3.2 Address:.....

.....

.....

Postcode:.....

Telephone:.....

Email:.....

Section 4: Leasehold Information

4.1 Is the property a leasehold estate? YES / NO

If YES:

4.2: Please list the names and addresses of all those holding a leasehold estate in this building and/or land.

Name:.....

Address:.....

.....

.....

Postcode:.....

Telephone:.....

Email:.....

Name:.....

Address:.....

.....

.....

Postcode:.....

Telephone:.....

Email:.....

Any nomination should be discussed with your local Councillor to gain their support. To find your local councillor please click here:

<http://www.winchester.gov.uk/meetings/findward>

Winchester City Council will consider whether your nomination qualifies to go on the *List of Assets of Community Value*. We will let you know the decision within eight weeks, starting from the date we receive your submitted nomination form.

Please return this form by email to slincoln@winchester.gov.uk or return by post at the address below:

Steve Lincoln
Housing Services
Winchester City Council
City Offices
Colebrook Street
Winchester
Hampshire
SO23 9LJ

Communities Scrutiny Panel – Assets of Community Value Policy Review

Benchmarking Survey Part 3 – Web Information

The aim of this survey is to compare the level and types of information available on Council websites in relation to Assets of Community Value, with the findings informing possible changes to this Council's web page.

For each of the surveyed Councils, a simple web search was conducted to find the respective authorities' primary web page relating to Assets of Community Value.

The survey then took note of all the information, associated documents and links given to users who visit the page.

This survey takes account of the following information:

- A brief explanation of ACV – Does the Council's website have any initial wording offering an introduction to users on Assets of Community Value?
- The Council's policy on ACV – Does the page provide a copy of the Council's policy on Assets of Community Value?
- Nomination Form – Can the user access a copy of the Council's nomination form for ACV?
- Guidance Notes – Does the page provide any guidance notes for the user?
- Successful Asset Nominations List – Does the page provide a link to a register of those assets successfully nominated?
- Unsuccessful Asset Nominations List – Does the page provide a link to a register of those assets not successfully nominated?
- Pending / Current Nominations List – Does the page provide a link to a register of those assets currently or due to be reviewed?
- Assessment Procedure – Can the user see the Council's assessment procedure?
- Link to Localism Act 2011 – Does the page provide a link for the user to the Localism Act 2011 as the relevant legislation?
- Link to Regulations – Does the page provide a link for the user to the Assets of Community Value (England) Regulations 2012 as the relevant regulations?
- Non-Statutory Advice – Does the page provide a link for the user to the non-statutory guidance note produced by the Department for Communities and Local Government?

- Link to My Community / Locality – Does the page signpost the user to My Community / Locality, a website set up to support community groups in running community-led projects?
- Contact Details – Does the web page offer contact details for users to speak with relevant officers in the Council relating to ACV?
- Land Registry Information – Does the page offer a link to Land Registry information to enable the user to define exact boundaries and owner details on any specific land?
- Links to Map Information – Similar to the above, does the page offer a map link to users to help define land boundaries and owners?
- Compensation Information – Does the page offer advice to users on receiving compensation relating to ACV?
- Appeal Information – Does the page offer advice to users on appealing the Council's decision to list land or a building as an ACV?
- Exemption Information – Does the page inform users on those assets that are exempted under this legislation?
- Enforcement Information – Does the page provide details on how the Council enforces its ACV policy?
- Link to Government Policy Statement – Does the page offer the user a link to the Government Policy Statement relating to ACV?
- Link to Government Policy Paper - Does the page offer the user a link to the Government Policy Paper relating to ACV?

These elements were selected from the details included across all 25 local authority websites.

The next page highlights the elements present on the relevant pages of each Council, with the following pages analysing this data.

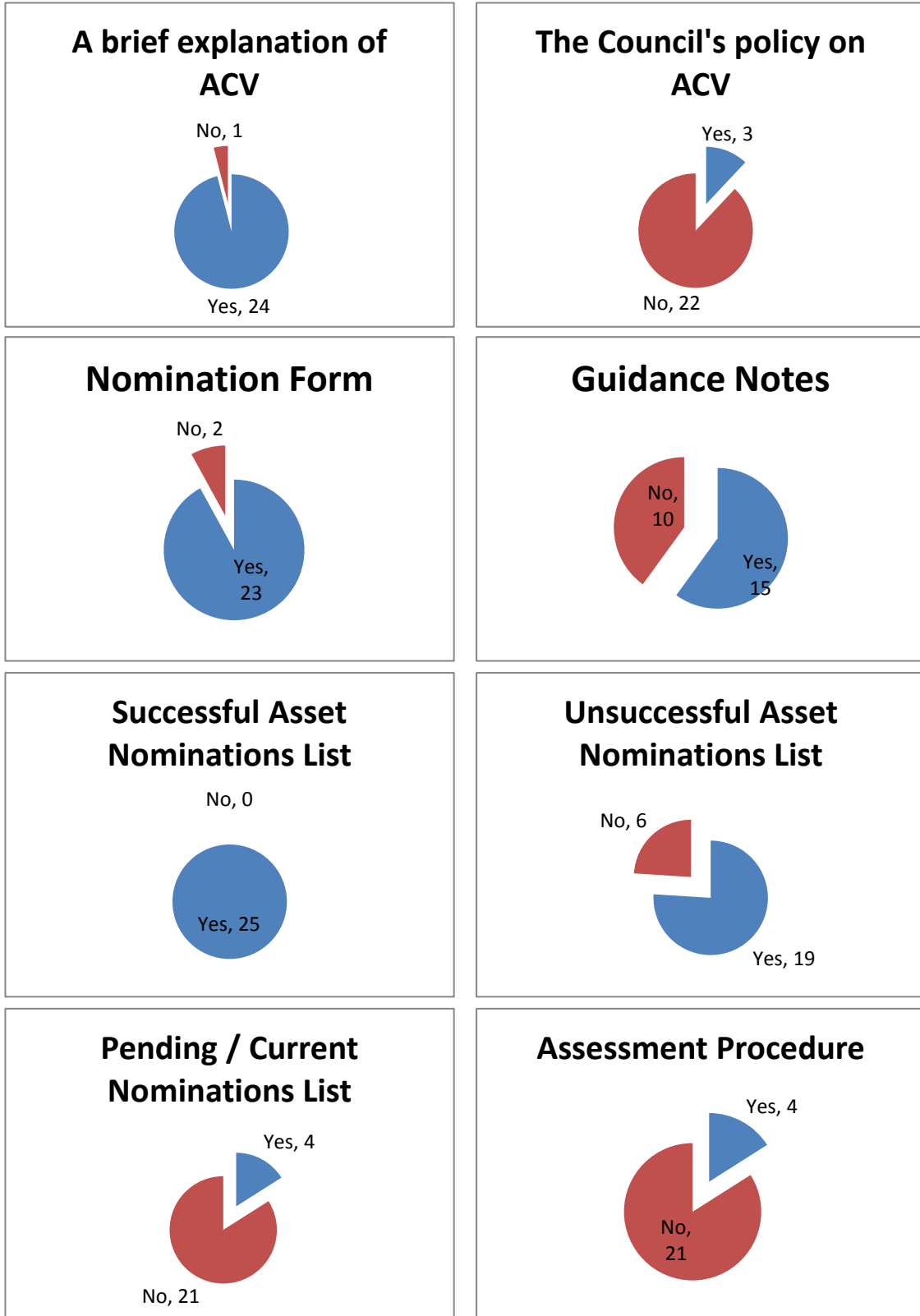
ASSETS OF COMMUNITY VALUE - INFORMATION AVAILABLE ON LOCAL AUTHORITY WEBSITES

BENCHMARKING SURVEY PART 3

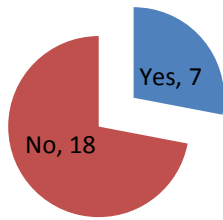
		Explanation Notes on Web	Council Policy	Nomination Form	Guidance Notes	Successful Assets Nomination List	Unsuccessful Assets Nomination List	Pending / Current Nominations List	Assessment Procedure	Link to relevant legislation (Localism Act 2011)	Link to relevant regulations	Non-statutory advice	Link to Locality / My Community	Contact details for pre-application discussion	Land Registry Info.	Links to Maps application	Compensation Info.	Appeal Info.	Exemption Info.	Enforcement Info.	Link to Government Policy Statement	Link to Government - Local Communities Website
Adur / Worthing		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Arun		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Basingstoke		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Chichester		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Crawley		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Eastleigh		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Enfield		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Fareham		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Gosport		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Hart		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Havant		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Horsham		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Isle of Wight		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Mid Sussex		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
New Forest		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Newark		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Nottingham		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Portsmouth		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Redcar		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Runnymede		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Rushmoor		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Southampton		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Test Valley		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Wiltshire		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●
Winchester		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●

Communities Scrutiny Panel – Assets of Community Value Policy Review
Benchmarking Survey Part 3
Web Information Analysis

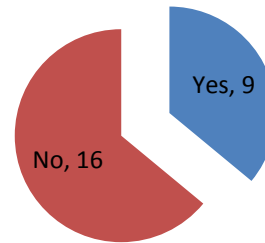
The following graphs show what information is available on these relevant web pages.



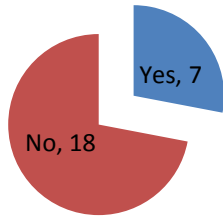
Links to Localism Act 2011



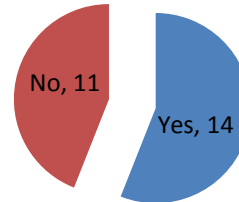
Link to Regulations



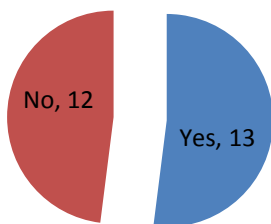
Link to Non-Statutory Advice



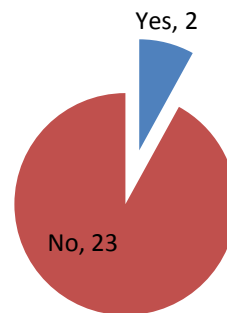
Links to My Community / Locality



Contact Details



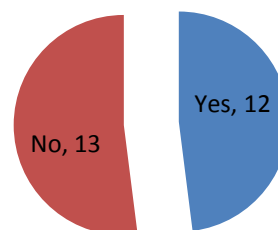
Land Registry Information

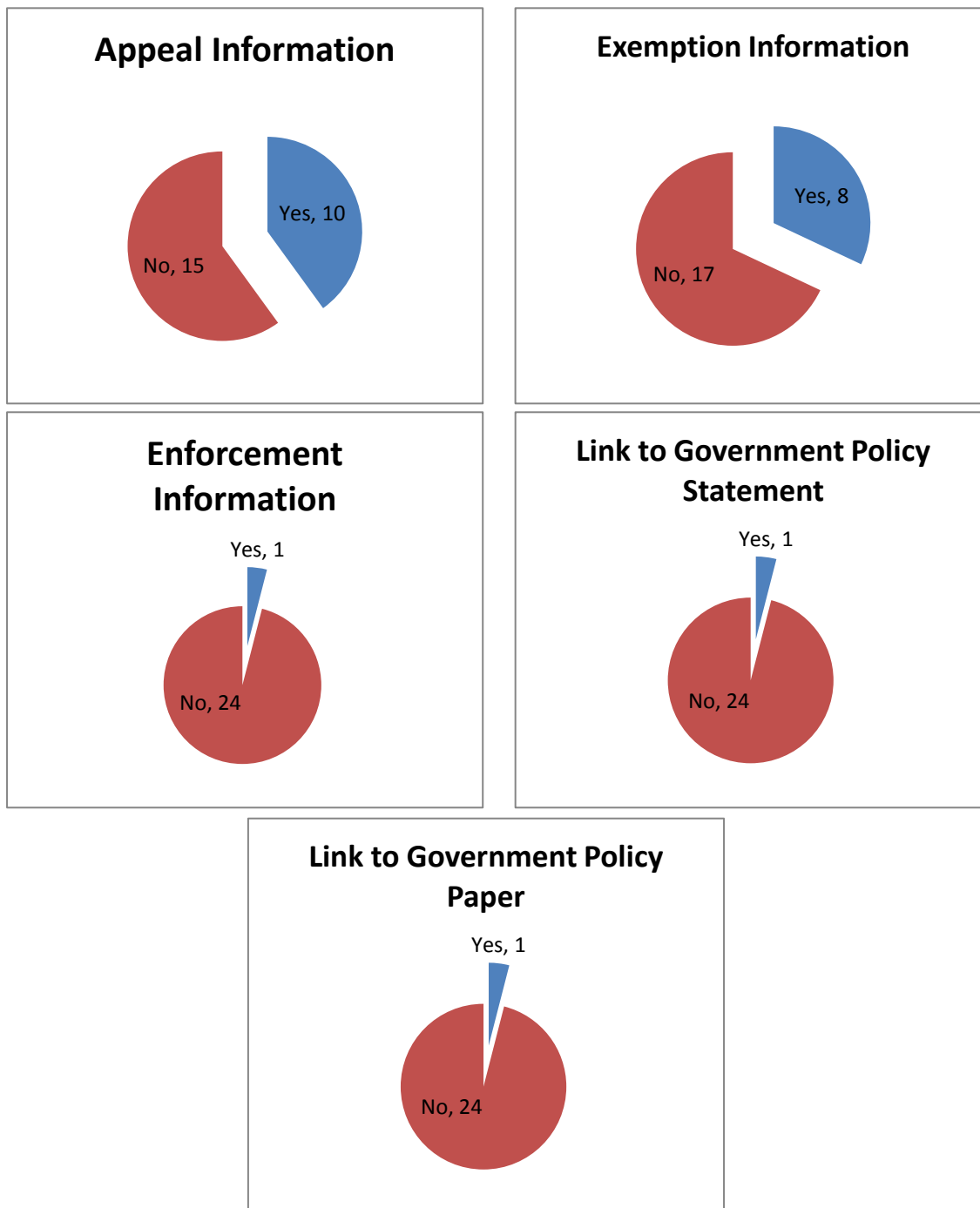


Links to Map Application



Compensation Information





The above charts show that there is a variety of information available to residents, which differs between local authorities.

Of the 25 Councils surveyed, the majority had the following elements on their websites:

Information	Number of local authority websites (out of 25)
Successful Asset Nominations List	25
A brief explanation of ACV	24
Nomination Form	23
Unsuccessful Asset Nominations List	19
Guidance Notes	15

The following elements were present on approximately half of the Council's websites:

Link to My Community / Locality	14
Contact Details	13
Compensation Information	12

The following information was not present on the majority of the Council's websites:

Appeal Information	10
Link to Regulations	9
Exemption Information	8
Non-Statutory Advice	7
Link to Localism Act 2011	7

The following information appeared on few of the Council's websites:

Assessment Procedure	4
Pending / Current Nominations List	4
The Council's Policy on ACV	3
Land Registry Information	2
Link to Map Application	1
Enforcement Information	1
Link to Government Policy Statement	1
Link to Government Policy Paper	1

It is also worth noting that at present, Havant's web page ranks as the joint lowest in terms of information provided, with only 4 elements included in the web page. Crawley Borough Council has the most information available online, with 13 different elements included. The full table is as follows:

Elements on Web Page	Local Authority
13	Crawley
12	Horsham, Test Valley
10	Winchester
9	Basingstoke, Gosport, Newark and Sherwood, Nottingham, Rushmoor, Wiltshire
8	Chichester, Enfield, Fareham, Mid Sussex, New Forest, Portsmouth, Redcar, Southampton
7	Adur / Worthing, Runnymede
6	Arun, Isle of Wight
4	Eastleigh, Hart, Havant

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Meeting Notes

(Assets of Community Value Policy Review)

Communities and Housing Scrutiny and Policy Development
Panel

2017

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Notes of the Communities and Housing Scrutiny and Policy Development Panel held on Tuesday, 10 January 2017

Present

Councillor: Patrick (Chairman)

Councillors: Perry, Smith D and Turner

Also Present:

Bob Coleman, Nicki Conyard (Community Manager), Mark Gregory (Democratic Services Officer) and Nicholas Rogers (Democratic Services Assistant)
Councillor: Ponsonby

Apologies: Councillors Buckley and Hart

Action

23 NOTES OF THE LAST MEETING

The notes of the meeting of the Communities and Housing Scrutiny and Policy Development Panel held on 18 October 2016 were agreed as a correct record.

24 REVIEW OF ASSETS OF COMMUNITY VALUE POLICY

The Panel discussed the draft project plan for the scrutiny of the Assets of Community Value Policy. The Community Manager outlined the background to the policy and answered questions in relation to this.

The Panel also received details of the current policy and processes for dealing with assets of community value, which were being reviewed by the officers.

The Panel:

- (1) APPROVED the scrutiny plan attached as an Appendix to these minutes;
- (2) REQUESTED links to the enabling legislation and to relevant guidance notes

25 UPDATE ON THE IMPLEMENTATION OF ACTIONS AGREED FOR THE SAFEGUARDING REVIEW

The Team Leader Community Services attended the meeting and gave an update on the implementation of the Actions agreed arising from the Safeguarding Review and outline the

role of the safeguarding service.

The Panel noted that:

- (1) The draft policy would shortly be submitted to Cabinet/Council for approval; and
- (2) A lead officer for safeguarding would be appointed for this Council.

26 REVIEW THE FORWARD PLAN AND CABINET BUSINESS PLAN

The Cabinet Lead for Communities and Housing outlined the future role of the communities service and policies being reviewed to fulfil the Council's commitment to encourage communities to take more responsibility for their local environment and events.

The meeting commenced at 5.00 pm and concluded at 5.58 pm

SCRUTINY PROJECT PLAN

Scrutiny of the Assets of Community Value Policy

SECTION ONE – Project Scoping Form

Project Title	<i>Scrutiny of the Assets of Community Value Policy</i>
<i>Executive Summary – What will this review do?</i>	<p>The Community Right to Bid, introduced as part of the Localism Act 2011, enables town and parish councils and local voluntary and community organisations to nominate local land or buildings to be included in the list of assets of community value.</p> <p>This review will: focus on the Council’s role in relation to assets of community value within the Borough; comment on the process which the Council uses to adjudicate Assets of Community Value nominations and suggest improvements to this process.;</p>
<i>What are the benefits to the Council and Its Residents?</i>	Residents in the Borough would benefit from the value added by the transfer of selected assets to the community. This would in turn further the interests and social wellbeing of the local community.
<i>Link with the Corporate Strategy and Business Plans</i>	<i>One of the key aspects of the Council’s Corporate Strategy is a commitment to work with community groups to hand over responsibility for their local environment.</i>
<i>Methodology</i>	<p>Interviews</p> <p>Interview with Claire Hughes (Head of Communications and Community Engagement) and Nicki Conyard (Community Team Leader)</p> <p>.</p> <p>Benchmarking</p> <p>To evaluate the Council’s service in relation to other local authorities</p>
<i>Success Criteria</i>	The project will be considered successful if by the end of the study, the Council gains a good understanding of what the Council should do, what the Council is doing and how effective its actions

SCRUTINY PROJECT PLAN

	are in relation to assets of community value.
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SCRUTINY PROJECT PLAN

SECTION TWO – Who Will Be Involved

Project Team

<i>Scrutiny Lead</i>	Councillor Patrick
<i>Scrutiny Panel</i>	Communities and Housing Scrutiny and Policy Development Panel Councillors Patrick, D Smith, Perry, Keast, Hart and Thomas
Support Team	
<i>Cabinet Lead</i>	Councillor Turner
<i>Key Officer(s)</i>	Claire Hughes (Head of Communications and Community Engagement) Nicki Conyard (Community Team Leader)
<i>Support Officer</i>	Mark Gregory, Democratic Services Officer Nicholas Rogers, Democratic Services Assistant

People /Organisations to be Included in the Project

<i>Who?</i>	<i>Why?</i>	<i>When?</i>
<i>Claire Hughes (Head of Communications and Community Engagement)</i>	Plays a key role in the delivery of the Council's assets of community value policies	On-going
<i>Nicki Conyard</i>	Plays a key role in the delivery of the Council's assets of community value	On-going

SCRUTINY PROJECT PLAN

(Community Team Leader)	policies	
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Evidence to Gather

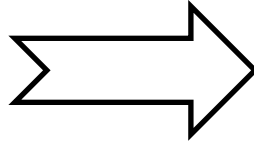
(Please identify any information that is key to research for this scrutiny)

Details of the Council's current policy and proves for dealing with assets of community value
Benchmarking Surveys
Information on the Current Service provided by the Council

SCRUTINY PROJECT PLAN

Start Date

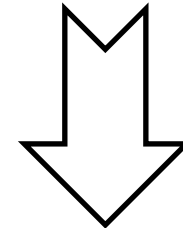
January 2017



Projected Timescales for:

Evidence gathering 15 Nov 16 to 31 Jan 17

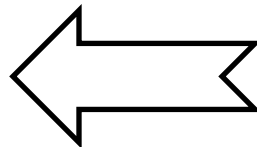
Interviews: 4 Nov 16 to 17 Jan 17



Project Report Deadlines

Draft Report Produced – Mar 2017

Panel to Agree Final Report – Mar 2017



Dates for:

Report to Scrutiny Board – 4 April 2017

Report to Cabinet – 17 May 2017 (if contains recommendations-provisional date)

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Notes of the Communities and Housing Scrutiny and Policy Development Panel held on Tuesday, 21 March 2017

Present

Councillor: Patrick (Chairman)

Councillors:

Also Present:

Councillor: Councillor Leah Turner
Nicki Conyard (Community Team Leader), Mark Gregory (Democratic Services Officer) and Nicholas Rogers (Democratic Services Assistant)
Councillors: Ponsonby

Apologies: Perry, Smith D and Thomas

	Action
<p>27 APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received for Councillors D Smith, Perry and Thomas.</p>	
<p>28 MINUTES</p> <p>The minutes of the meeting of the Communities and Housing Scrutiny and Policy Development Panel held on 10 January 2017 were agreed as a correct record.</p>	
<p>29 CABINET LEAD UPDATE</p> <p>The Cabinet Lead for Communities and Housing provided the Panel with an update on future work within the service areas. The Communities Team Leader was also present to answer any questions.</p> <p>The following areas were detailed:</p> <ul style="list-style-type: none">• Provision of Temporary Housing Accommodation in the Borough – The topic was due to be the next project undertaken by the Panel.• Havant Lottery – The implementation of the Havant Lottery was still in formative stages and a launch date had been targeted for September. The project aimed to provide community groups and charities with funding.	

- Horizon Leisure Centre – Negotiations were continuing with Horizon on partnership arrangements.
- Front Lawn Recreation Ground – The project had been agreed and was due to begin.
- Councillor Grants – A report was being prepared to assess the first six months of Councillor grants. It was commented that it would be too early to conduct a scrutiny review of the grants at this stage.

30 ASSETS OF COMMUNITY VALUE POLICY REVIEW

The Panel considered the Assets of Community Value Policy Review project plan and discussed the next steps for the review. The Cabinet Lead for Communities and Housing and the Communities Team Leader joined the discussion for this item to answer any questions.

During the discussion, it was suggested the Panel may wish to interview the officer's group who discuss asset nominations, to gain an understanding of the processes and investigate if there are any areas for improvement.

It was AGREED that;

- a) A meeting be arranged for the Panel to interview the Community Asset Project Group to discuss experiences dealing with nominations from different areas of the Council (e.g. Legal, Planning, Estates);
- b) The Panel to interview previous applicants who nominated assets; and
- c) A benchmarking exercise be undertaken to compare assessment procedures and forms for Community Assets between similar local authorities.

The meeting commenced at 5.00 pm and concluded at 5.35 pm

Notes of the Communities and Housing Scrutiny and Policy Development Panel held on Monday, 17 July 2017

Present

Councillor: Patrick (Chairman)

Councillors: Hart, Keast and Perry

Also Present:

Councillor: Councillor Leah Turner
Nicki Conyard (Community Manager), Mark Gregory (Democratic Services Officer), Alex Kirk and Nicholas Rogers (Democratic Services Assistant)
Councillors:

31 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Smith and Thomas.

The Scrutiny Lead reminded members of the importance of attending Panel meetings and requested that apologies be submitted where this was not possible.

32 MINUTES OF THE LAST MEETING

The minutes of the meeting of the Communities and Housing Scrutiny and Policy Development Panel held on 21 March 2017 were agreed as a correct record.

33 UPDATE ON IMPLEMENTATION OF ACTIONS AGREED IN PREVIOUS REVIEWS

There were no updates for the Panel to receive.

34 REVIEW THE FORWARD PLAN AND CABINET BUSINESS PLAN

The Cabinet Lead for Communities and Housing provided the Panel with an update on current and future work relating to the Panel's service areas. The Communities Team Leader was also present to answer any questions.

The following areas were discussed:

Action

- Oak Park Wellbeing Campus – A Councillor seminar had been held to update members on the latest developments. Members were keen to receive further information when this was available.
- Horizon Leisure Centre – Negotiations were ongoing with Horizon regarding partnership arrangements.
- Front Lawn Recreation Ground – Work was underway, with a targeted completion date of December. It was hoped the first pitch would be opened in September.
- Councillor Grants – Members were encouraged to use their grant to fund community groups and activities.
- Havant Lottery – The project launch had been delayed and would now aim to start in the new year.

Panel members requested links to contact details and organisation charts for officers within the Council.

35 ASSETS OF COMMUNITY VALUE POLICY

The Panel discussed the progress of the Assets of Community Value Policy Scrutiny Review and considered their next steps. The Assistant Solicitor was invited to join the Panel in this discussion and answer any questions.

The following areas were discussed:

- The current policy was implemented with short notice following the introduction of the relevant legislation. Despite this, the policy represented a good starting point but had been selected as a scrutiny review to ensure the policy and procedures were robust.
- The review could look to improve the information available on the Council's website to members of the public interested in submitting a nomination.
- The legislation and policy allowed community groups with at least 21 Members to nominate buildings to be listed as Assets of Community Value. If an Asset is listed owners wishing to sell the property or land have to inform the Council and give community groups the opportunity to buy the property before selling on the open market within a 6 month period.

- However, there is no requirement set out in the legislation for the owner to accept bids from community groups.
- The legislation aims to give community groups the opportunity to purchase buildings and land and retain for community use.
- The Community Asset Project Panel, comprised of officers within the Council who meet once a Nomination has been received and recommend whether they should be listed as an Asset of Community Value. The final decision would be made by the Cabinet Lead for Communities and Housing. Any appeals by the owner of the land would be reviewed by the Executive Director for Strategy and Governance. If the owner is still not content he can appeal further to an independent tribunal.
- There was a common misunderstanding amongst residents that this function could be used to stop development. This is not the case however an Asset which is listed is a material consideration as part of the Planning process.

It was AGREED that;

- a) A meeting be arranged for the Panel to interview the Community Asset Project Panel to discuss experiences dealing with nominations;
- b) The date of the next meeting be set in consultation with Panel members and officers from the Community Asset Project Panel; and
- c) A benchmarking exercise be undertaken to compare assessment procedures and forms for Community Assets between similar local authorities.

36 FUTURE SCRUTINY TOPICS

Members considered the future work programme of the Panel.

It was AGREED that;

- a) A scrutiny review of Oak Park Health Centre and Extra Care Units be postponed until further information is received; and
- b) The future work programme of the Communities and Housing Scrutiny and Policy Development Panel be amended to read as follows:
 - 1. Safer Havant Partnership – Anti-social behaviour
 - 2. Temporary accommodation within the Borough

The meeting commenced at 5.00 pm and concluded at 6.05 pm

Notes of the Communities and Housing Scrutiny and Policy Development Panel held on Wednesday, 30 August 2017

Present

Councillor: Patrick (Chairman)

Councillors: Hart, Keast, Perry, Smith D and Thomas

Also Present:

Nicki Conyard (Community Manager), Amanda Fincham (Corporate Support Manager), Mark Gregory (Democratic Services Officer), Alex Kirk (Assistant Solicitor) and Nicholas Rogers (Democratic Services Assistant)

	Action
<p>37 MINUTES</p> <p>The notes of the meeting of the Communities and Housing Scrutiny and Policy Development Panel held on 17 July 2017 were agreed as a correct record.</p>	
<p>38 ASSETS OF COMMUNITY VALUE - BENCHMARKING SURVEY</p> <p>The Panel considered the results of a benchmarking survey comparing the Council's website, procedures, guidance and forms relating to assets of community value with neighbouring and other similar local authorities.</p> <p>The Panel noted that there was little difference between the forms and process used by this Council compared to the other Councils surveyed. However, the survey indicated that the Council's website needed to be improved.</p> <p>The Panel thanked the Democratic Services Assistant for his work in compiling the benchmarking survey.</p>	
<p>39 INTERVIEW WITH HBC ASSETS OF COMMUNITY VALUE PANEL</p> <p>The Panel discussed the work and role of the Assets of Community Value Panel with the Community Manager, the Corporate Support Manager and the Assistant Solicitor.</p> <p>The Panel also considered a submission from the Planning Policy Team Leader.</p> <p>The Panel thanked the officers for their contribution to the</p>	

review.

A briefing note based on this discussion, the written submission referred to above and other information previously submitted to the Panel has been attached as an Appendix to these minutes.

It was AGREED that:

- (a) the Assistant Solicitor investigate whether the Council could levy an administrative charge for this service; and; and
- (b) members of committee submitted suggested recommendations to be included in the final report to the Democratic Services Assistant before the next meeting.

Alex Kirk

40 DATE OF NEXT MEETING

It was AGREED that the next meeting of the Panel to finalise the report be held within the next three weeks.

The meeting commenced at 5.00 pm and concluded at 6.03 pm

Assets of Community Value Policy Review Briefing Note – Role and Work of the Assets of Community Value Panel

Purpose of the Panel and the roles of Its Members

- The Panel assess nominations for assets of community value and make recommendations to the Cabinet Lead for Communities and Housing, who makes the decision in accordance with the Council's call in procedure.
- ❖ Membership of the Panel:
 - Head of Housing & Community Engagement
 - Community Manager
 - Corporate Support Manager
 - Assistant Solicitor
 - Planning Policy Manager
 - Representative of the Property Team (currently vacant)
- ❖ Roles of the members of the Panel:
 - Head of Housing & Community Engagement
 - Chairman of the Panel
 - Community Manager
 - Initial point of contact for enquiries about Assets for Community Value
 - Provides advice and guidance and helps groups complete nominations
 - Initial assessment of the nomination to ensure sufficient information has been provided to support the nomination
 - Member of the Panel – takes part in the determination of nominations. This role is not undertaken when the Team Leader has played a major role in formulating the nomination so as to avoid possibility of bias
 - Corporate Support Manager
 - Provides corporate support to the Panel – liaising with nominees and administrative support to the Panel
 - Member of the Panel - takes part in the determination of nominations.
 - Assistant Solicitor
 - Legal advisor to the Panel
 - Planning Policy Manager
 - Member of the Panel – takes part in the determination of nominations.
 - Representative of the Property Team
 - Member of the Panel – takes part in the determination of nominations

Issues With Operation of the Current Scheme

- Pressure on resources
 - The council has 8 weeks from the receipt of a nomination to determination. There was concern that the limited resources available for this function would not be able to cope with a large number of nominations. To avoid an overloading of the system a decision had been made by senior management not to actively promote this function.
- Incomplete Nominations
 - There had been examples of where the need to seek clarification and requests for additional information for incomplete nominations had placed additional stress on the service and delayed the process.
- Managing Expectations
 - It was also considered that local community groups had greater expectations of the implications of listing than was actually achieved. Listing as an asset of community value (ACV) only has an implication when a disposal is proposed with no compulsion/ability to purchase the property/land. The listing does not result in greater community control over ACV properties or block the planning process.
- Delegation
 - The call procedures which apply to Cabinet Lead decisions could result in a determination of a nomination made outside the statutory time limits

Suggested Areas for Improvement

- The Council's Website
 - The website could be improved providing more information and clarity on the:
 - Purpose and implications of listing an ACV
 - Process including guidance on how to make a nomination
 - Information required to support nominations such as the estimated cost of purchasing, the estimated running costs of the asset and how the funding details
- The Local Plan
 - The Havant Borough Local Plan 2036 should to make it clear how the Council's planning process treat ACVs
- Council Seminar
 - Hold a seminar to ensure Councillors are better informed on ACVs and enable them to help groups make nominations
- Charging
 - A nominal charge for the process could enable the Council to cope with more nominations and thereby promote ACVs more than currently
- Delegation
 - The authority to determine nominations be given to the Head of Housing and Community Engagement and not the Cabinet Lead to speed up the process and remove the risk of failing to determine a nomination with the statutory time limits

- Update the Policy
 - The policy be updated to reflect the current processes e.g. The chairmanship of the Panel

Further Information Requested:

- Clarification on whether the Council could levy a charge for this service.

Sources : Meeting with the Community Manager, Corporate Services Manager, and Assistant Solicitor held on 20 August and written submission by the Planning Policy Manager.

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Notes of the Communities and Housing Scrutiny and Policy Development Panel held on Tuesday, 12 September 2017

Present

Councillor: Patrick (Chairman)

Councillors: Hart, Keast, Perry, Smith D and Thomas

Also Present:

Councillor Leah Turner

Mark Gregory (Democratic Services Officer)

Action

41 MINUTES OF LAST MEETING

The Minutes of the meeting of the Communities and Housing Scrutiny and Policy Development Panel held on 30 August 2017 were agreed as a correct record.

42 ASSETS OF COMMUNITY VALUE

The Panel considered the draft report and findings pack and in particular:

- (a) who should have the delegated power to make the final decision on the listing of an asset;
- (b) how to increase councillor involvement in this process; and
- (c) ways of streamlining and scheduling the process to ensure that all stages could be completed within the statutory deadlines.

It was AGREED that the draft report and findings be agreed subject to the following amendments:

- (1) paragraph 2.1.3 of the report be deleted: the authority to make the final decision remain with the Cabinet Lead for Communities and Housing;
- (2) the officers explore ways of increasing Councillor involvement in the process, including attendance at meetings of the Panel and draft recommendation to

be submitted to members of the Panel and the Cabinet Lead;

- (3) in the event of legal advice on whether the Council could charge for AVC applications not being received before the report is submitted to the Scrutiny Board, paragraph 2.1.5 be amended to request the Cabinet to investigate the feasibility of levying such a charge;
- (4) amendments to the report arising from (1) to (3) above be submitted to all members of the Panel and the Cabinet Lead with a specified deadline for receipt of comments. In the event of members of the Panel not submitting any changes to these amendments within the specified time, the report be finalised incorporating the amendments as drafted; and
- (5) the final report be submitted to the Scrutiny Board after 12 October to enable the Scrutiny and Cabinet Leads to attend the Board when this review is considered.

The meeting commenced at 5.00 pm and concluded at 5.45 pm

Legislation and Guidance

(Assets of Community Value Policy Review)

Communities and Housing Scrutiny and Policy Development
Panel

2017

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- (b) any reference to the provision of financial assistance is to the provision of financial assistance by any means (including the making of a loan and the giving of a guarantee or indemnity).

CHAPTER 3

ASSETS OF COMMUNITY VALUE

List of assets of community value

87 List of assets of community value

- (1) A local authority must maintain a list of land in its area that is land of community value.
- (2) The list maintained under subsection (1) by a local authority is to be known as its list of assets of community value.
- (3) Where land is included in a local authority's list of assets of community value, the entry for that land is to be removed from the list with effect from the end of the period of 5 years beginning with the date of that entry (unless the entry has been removed with effect from some earlier time in accordance with provision in regulations under subsection (5)).
- (4) The appropriate authority may by order amend subsection (3) for the purpose of substituting, for the period specified in that subsection for the time being, some other period.
- (5) The appropriate authority may by regulations make further provision in relation to a local authority's list of assets of community value, including (in particular) provision about—
 - (a) the form in which the list is to be kept;
 - (b) contents of an entry in the list (including matters not to be included in an entry);
 - (c) modification of an entry in the list;
 - (d) removal of an entry from the list;
 - (e) cases where land is to be included in the list and—
 - (i) different parts of the land are in different ownership or occupation, or
 - (ii) there are multiple estates or interests in the land or any part or parts of it;
 - (f) combination of the list with the local authority's list of land nominated by unsuccessful community nominations.
- (6) Subject to any provision made by or under this Chapter, it is for a local authority to decide the form and contents of its list of assets of community value.

88 Land of community value

- (1) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area is land of community value if in the opinion of the authority—

-
- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
 - (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.
- (2) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority’s area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority –
- (a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
- (3) The appropriate authority may by regulations –
- (a) provide that a building or other land is not land of community value if the building or other land is specified in the regulations or is of a description specified in the regulations;
 - (b) provide that a building or other land in a local authority’s area is not land of community value if the local authority or some other person specified in the regulations considers that the building or other land is of a description specified in the regulations.
- (4) A description specified under subsection (3) may be framed by reference to such matters as the appropriate authority considers appropriate.
- (5) In relation to any land, those matters include (in particular) –
- (a) the owner of any estate or interest in any of the land or in other land;
 - (b) any occupier of any of the land or of other land;
 - (c) the nature of any estate or interest in any of the land or in other land;
 - (d) any use to which any of the land or other land has been, is being or could be put;
 - (e) statutory provisions, or things done under statutory provisions, that have effect (or do not have effect) in relation to –
 - (i) any of the land or other land, or
 - (ii) any of the matters within paragraphs (a) to (d);
 - (f) any price, or value for any purpose, of any of the land or other land.
- (6) In this section –
- “legislation” means –
 - (a) an Act, or
 - (b) a Measure or Act of the National Assembly for Wales;
 - “social interests” includes (in particular) each of the following –
 - (a) cultural interests;
 - (b) recreational interests;
 - (c) sporting interests;
 - “statutory provision” means a provision of –

- (a) legislation, or
- (b) an instrument made under legislation.

89 Procedure for including land in list

- (1) Land in a local authority's area which is of community value may be included by a local authority in its list of assets of community value only –
 - (a) in response to a community nomination, or
 - (b) where permitted by regulations made by the appropriate authority.
- (2) For the purposes of this Chapter “community nomination”, in relation to a local authority, means a nomination which –
 - (a) nominates land in the local authority's area for inclusion in the local authority's list of assets of community value, and
 - (b) is made –
 - (i) by a parish council in respect of land in England in the parish council's area,
 - (ii) by a community council in respect of land in Wales in the community council's area, or
 - (iii) by a person that is a voluntary or community body with a local connection.
- (3) Regulations under subsection (1)(b) may (in particular) permit land to be included in a local authority's list of assets of community value in response to a nomination other than a community nomination.
- (4) The appropriate authority may by regulations make provision as to –
 - (a) the meaning in subsection (2)(b)(iii) of “voluntary or community body”;
 - (b) the conditions that have to be met for a person to have a local connection for the purposes of subsection (2)(b)(iii);
 - (c) the contents of community nominations;
 - (d) the contents of any other nominations which, as a result of regulations under subsection (1)(b), may give rise to land being included in a local authority's list of assets of community value.
- (5) The appropriate authority may by regulations make provision for, or in connection with, the procedure to be followed where a local authority is considering whether land should be included in its list of assets of community value.

90 Procedure on community nominations

- (1) This section applies if a local authority receives a community nomination.
- (2) The authority must consider the nomination.
- (3) The authority must accept the nomination if the land nominated –
 - (a) is in the authority's area, and
 - (b) is of community value.
- (4) If the authority is required by subsection (3) to accept the nomination, the authority must cause the land to be included in the authority's list of assets of community value.

- (5) The nomination is unsuccessful if subsection (3) does not require the authority to accept the nomination.
- (6) If the nomination is unsuccessful, the authority must give, to the person who made the nomination, the authority's written reasons for its decision that the land could not be included in its list of assets of community value.

91 Notice of inclusion or removal

- (1) Subsection (2) applies where land –
 - (a) is included in, or
 - (b) removed from,a local authority's list of assets of community value.
- (2) The authority must give written notice of the inclusion or removal to the following persons –
 - (a) the owner of the land,
 - (b) the occupier of the land if the occupier is not also the owner,
 - (c) if the land was included in the list in response to a community nomination, the person who made the nomination, and
 - (d) any person specified, or of a description specified, in regulations made by the appropriate authority,but where it appears to the authority that it is not reasonably practicable to give a notice under this subsection to a person to whom it is required to be given, the authority must instead take reasonable alternative steps for the purpose of bringing the notice to the person's attention.
- (3) A notice under subsection (2) of inclusion of land in the list must describe the provision made by and under this Chapter, drawing particular attention to –
 - (a) the consequences for the land and its owner of the land's inclusion in the list, and
 - (b) the right to ask for review under section 92.
- (4) A notice under subsection (2) of removal of land from the list must state the reasons for the removal.

92 Review of decision to include land in list

- (1) The owner of land included in a local authority's list of assets of community value may ask the authority to review the authority's decision to include the land in the list.
- (2) If a request is made –
 - (a) under subsection (1), and
 - (b) in accordance with the time limits (if any) provided for in regulations under subsection (5),the authority concerned must review its decision.
- (3) Where under subsection (2) an authority reviews a decision, the authority must notify the person who asked for the review –
 - (a) of the decision on the review, and
 - (b) of the reasons for the decision.

- (4) If the decision on a review under subsection (2) is that the land concerned should not have been included in the authority's list of assets of community value—
 - (a) the authority must remove the entry for the land from the list, and
 - (b) where the land was included in the list in response to a community nomination—
 - (i) the nomination becomes unsuccessful, and
 - (ii) the authority must give a written copy of the reasons mentioned in subsection (3)(b) to the person who made the nomination.
- (5) The appropriate authority may by regulations make provision as to the procedure to be followed in connection with a review under this section.
- (6) Regulations under subsection (5) may (in particular) include—
 - (a) provision as to time limits;
 - (b) provision requiring the decision on the review to be made by a person of appropriate seniority who was not involved in the original decision;
 - (c) provision as to the circumstances in which the person asking for the review is entitled to an oral hearing, and whether and by whom that person may be represented at the hearing;
 - (d) provision for appeals against the decision on the review.

List of land nominated by unsuccessful community nominations

93 List of land nominated by unsuccessful community nominations

- (1) A local authority must maintain a list of land in its area that has been nominated by an unsuccessful community nomination (see sections 90(5) and 92(4)(b)(i)).
- (2) The list maintained under subsection (1) by a local authority is to be known as its list of land nominated by unsuccessful community nominations.
- (3) Where land is included in a local authority's list of land nominated by unsuccessful community nominations, the entry in the list for the land—
 - (a) may (but need not) be removed from the list by the authority after it has been in the list for 5 years, and
 - (b) while it is in the list, is to include the reasons given under section 90(6) or 92(3)(b) for not including the land in the authority's list of assets of community value.
- (4) Subject to any provision made by or under this Chapter, it is for a local authority to decide the form and contents of its list of land nominated by unsuccessful community nominations.

Provisions common to both lists

94 Publication and inspection of lists

- (1) A local authority must publish—
 - (a) its list of assets of community value, and
 - (b) its list of land nominated by unsuccessful community nominations.

- (2) A local authority must at a place in its area make available, for free inspection by any person, both—
 - (a) a copy of its list of assets of community value, and
 - (b) a copy of its list of land nominated by unsuccessful community nominations.
- (3) A local authority must provide a free copy of its list of assets of community value to any person who asks it for a copy, but is not required to provide to any particular person more than one free copy of the same version of the list.
- (4) A local authority must provide a free copy of its list of land nominated by unsuccessful community nominations to any person who asks it for a copy, but is not required to provide to any particular person more than one free copy of the same version of the list.
- (5) In this section “free” means free of charge.

Moratorium on disposing of listed land

95 Moratorium

- (1) A person who is an owner of land included in a local authority’s list of assets of community value must not enter into a relevant disposal of the land unless each of conditions A to C is met.
- (2) Condition A is that that particular person has notified the local authority in writing of that person’s wish to enter into a relevant disposal of the land.
- (3) Condition B is that either—
 - (a) the interim moratorium period has ended without the local authority having received during that period, from any community interest group, a written request (however expressed) for the group to be treated as a potential bidder in relation to the land, or
 - (b) the full moratorium period has ended.
- (4) Condition C is that the protected period has not ended.
- (5) Subsection (1) does not apply in relation to a relevant disposal of land—
 - (a) if the disposal is by way of gift (including a gift to trustees of any trusts by way of settlement upon the trusts),
 - (b) if the disposal is by personal representatives of a deceased person in satisfaction of an entitlement under the will, or on the intestacy, of the deceased person,
 - (c) if the disposal is by personal representatives of a deceased person in order to raise money to—
 - (i) pay debts of the deceased person,
 - (ii) pay taxes,
 - (iii) pay costs of administering the deceased person’s estate, or
 - (iv) pay pecuniary legacies or satisfy some other entitlement under the will, or on the intestacy, of the deceased person,
 - (d) if the person, or one of the persons, making the disposal is a member of the family of the person, or one of the persons, to whom the disposal is made,

- (e) if the disposal is a part-listed disposal of a description specified in regulations made by the appropriate authority, and for this purpose “part-listed disposal” means a disposal of an estate in land –
 - (i) part of which is land included in a local authority’s list of assets of community value, and
 - (ii) part of which is land not included in any local authority’s list of assets of community value,
 - (f) if the disposal is of an estate in land on which a business is carried on and is at the same time, and to the same person, as a disposal of that business as a going concern,
 - (g) if the disposal is occasioned by a person ceasing to be, or becoming, a trustee,
 - (h) if the disposal is by trustees of any trusts –
 - (i) in satisfaction of an entitlement under the trusts, or
 - (ii) in exercise of a power conferred by the trusts to re-settle trust property on other trusts,
 - (i) if the disposal is occasioned by a person ceasing to be, or becoming, a partner in a partnership, or
 - (j) in cases of a description specified in regulations made by the appropriate authority.
- (6) In subsections (3) and (4) –
- “community interest group” means a person specified, or of a description specified, in regulations made by the appropriate authority,
 - “the full moratorium period”, in relation to a relevant disposal, means the six months beginning with the date on which the local authority receives notification under subsection (2) in relation to the disposal,
 - “the interim moratorium period”, in relation to a relevant disposal, means the six weeks beginning with the date on which the local authority receives notification under subsection (2) in relation to the disposal, and
 - “the protected period”, in relation to a relevant disposal, means the eighteen months beginning with the date on which the local authority receives notification under subsection (2) in relation to the disposal.
- (7) For the purposes of subsection (5)(d), a person (“M”) is a member of the family of another person if M is –
- (a) that other person’s spouse or civil partner, or
 - (b) a lineal descendant of a grandparent of that other person.
- (8) For the purposes of subsection (7)(b) a relationship by marriage or civil partnership is to be treated as a relationship by blood.
- (9) For the meaning of “relevant disposal”, and for when a relevant disposal is entered into, see section 96.

96 Meaning of “relevant disposal” etc in section 95

- (1) This section applies for the purposes of section 95.
- (2) A disposal of the freehold estate in land is a relevant disposal of the land if it is a disposal with vacant possession.

- (3) A grant or assignment of a qualifying leasehold estate in land is a relevant disposal of the land if it is a grant or assignment with vacant possession.
- (4) If a relevant disposal within subsection (2) or (3) is made in pursuance of a binding agreement to make it, the disposal is entered into when the agreement becomes binding.
- (5) Subject to subsection (4), a relevant disposal within subsection (2) or (3) is entered into when it takes place.
- (6) In this section “qualifying leasehold estate”, in relation to any land, means an estate by virtue of a lease of the land for a term which, when granted, had at least 25 years to run.
- (7) The appropriate authority may by order amend this section.

97 Publicising receipt of notice under section 95(2)

- (1) This section applies if a local authority receives notice under section 95(2) in respect of land included in the authority’s list of assets of community value.
- (2) The authority must cause the entry in the list for the land to reveal –
 - (a) that notice under section 95(2) has been received in respect of the land,
 - (b) the date when the authority received the notice, and
 - (c) the ends of the initial moratorium period, the full moratorium period and the protected period that apply under section 95 as a result of the notice.
- (3) If the land is included in the list in response to a community nomination, the authority must give written notice, to the person who made the nomination, of the matters mentioned in subsection (2)(a), (b) and (c).
- (4) The authority must make arrangements for those matters to be publicised in the area where the land is situated.

98 Informing owner of request to be treated as bidder

- (1) Subsection (2) applies if –
 - (a) after a local authority has received notice under section 95(2) in respect of land included in the authority’s list of assets of community value, and
 - (b) before the end of the interim moratorium period that applies under section 95 as a result of the notice,the authority receives from a community interest group a written request (however expressed) for the group to be treated as a potential bidder in relation to the land.
- (2) The authority must, as soon after receiving the request as is practicable, either pass on the request to the owner of the land or inform the owner of the details of the request.
- (3) In this section “community interest group” means a person who is a community interest group for the purposes of section 95(3) as a result of regulations made under section 95(6) by the appropriate authority.

99 Compensation

- (1) The appropriate authority may by regulations make provision for the payment of compensation in connection with the operation of this Chapter.
- (2) Regulations under subsection (1) may (in particular) –
 - (a) provide for any entitlement conferred by the regulations to apply only in cases specified in the regulations;
 - (b) provide for any entitlement conferred by the regulations to be subject to conditions, including conditions as to time limits;
 - (c) make provision about –
 - (i) who is to pay compensation payable under the regulations;
 - (ii) who is to be entitled to compensation under the regulations;
 - (iii) what compensation under the regulations is to be paid in respect of;
 - (iv) the amount, or calculation, of compensation under the regulations;
 - (v) the procedure to be followed in connection with claiming compensation under the regulations;
 - (vi) the review of decisions made under the regulations;
 - (vii) appeals against decisions made under the regulations.

Miscellaneous

100 Local land charge

If land is included in a local authority’s list of assets of community value –

- (a) inclusion in the list is a local land charge, and
- (b) that authority is the originating authority for the purposes of the Local Land Charges Act 1975.

101 Enforcement

- (1) The appropriate authority may by regulations make provision –
 - (a) with a view to preventing, or reducing the likelihood of, contraventions of section 95(1);
 - (b) as to the consequences applicable in the event of contraventions of section 95(1).
- (2) The provision that may be made under subsection (1) includes (in particular) –
 - (a) provision for transactions entered into in breach of section 95(1) to be set aside or to be ineffective;
 - (b) provision about entries on registers relating to land.
- (3) The provision that may be made under subsection (1) includes provision amending –
 - (a) legislation, or
 - (b) an instrument made under legislation.
- (4) In subsection (3) “legislation” means –
 - (a) an Act, or
 - (b) a Measure or Act of the National Assembly for Wales.

102 Co-operation

If different parts of any land are in different local authority areas, the local authorities concerned must co-operate with each other in carrying out functions under this Chapter in relation to the land or any part of it.

103 Advice and assistance in relation to land of community value in England

- (1) The Secretary of State may do anything that the Secretary of State considers appropriate for the purpose of giving advice or assistance –
 - (a) to anyone in relation to doing any of the following –
 - (i) taking steps under or for purposes of provision contained in, or made under, this Chapter so far as applying in relation to England, or
 - (ii) preparing to, or considering or deciding whether to, take steps within sub-paragraph (i), or
 - (b) to a community interest group in relation to doing any of the following –
 - (i) bidding for, or acquiring, land in England that is included in a local authority’s list of assets of community value,
 - (ii) preparing to, or considering or deciding whether or how to, bid for or acquire land within sub-paragraph (i), or
 - (iii) preparing to, or considering or deciding whether or how to, bring land within sub-paragraph (i) into effective use.
- (2) The things that the Secretary of State may do under this section include, in particular –
 - (a) the provision of financial assistance to any body or other person;
 - (b) the making of arrangements with a body or other person, including arrangements for things that may be done by the Secretary of State under this section to be done by that body or other person.
- (3) In this section –
 - (a) the reference to giving advice or assistance includes providing training or education,
 - (b) “community interest group” means a person who is a community interest group for the purposes of section 95(3) as a result of regulations made under section 95(6) by the Secretary of State, and
 - (c) the reference to the provision of financial assistance is to the provision of financial assistance by any means (including the making of a loan and the giving of a guarantee or indemnity).

104 Advice and assistance in relation to land of community value in Wales

- (1) The Welsh Ministers may do anything that they consider appropriate for the purpose of giving advice or assistance –
 - (a) to anyone in relation to doing any of the following –
 - (i) taking steps under or for purposes of provision contained in, or made under, this Chapter so far as applying in relation to Wales, or
 - (ii) preparing to, or considering or deciding whether to, take steps within sub-paragraph (i), or

- (b) to a community interest group in relation to doing any of the following –
 - (i) bidding for, or acquiring, land in Wales that is included in a local authority’s list of assets of community value,
 - (ii) preparing to, or considering or deciding whether or how to, bid for or acquire land within sub-paragraph (i), or
 - (iii) preparing to, or considering or deciding whether or how to, bring land within sub-paragraph (i) into effective use.
- (2) The things that the Welsh Ministers may do under this section include, in particular –
 - (a) the provision of financial assistance to any body or other person;
 - (b) the making of arrangements with a body or other person, including arrangements for things that may be done by the Welsh Ministers under this section to be done by that body or other person.
- (3) In this section –
 - (a) the reference to giving advice or assistance includes providing training or education,
 - (b) “community interest group” means a person who is a community interest group for the purposes of section 95(3) as a result of regulations made under section 95(6) by the Welsh Ministers, and
 - (c) the reference to the provision of financial assistance is to the provision of financial assistance by any means (including the making of a loan and the giving of a guarantee or indemnity).

105 Crown application

This Chapter binds the Crown.

Interpretation of Chapter

106 Meaning of “local authority”

- (1) In this Chapter “local authority” in relation to England means –
 - (a) a district council,
 - (b) a county council for an area in England for which there are no district councils,
 - (c) a London borough council,
 - (d) the Common Council of the City of London, or
 - (e) the Council of the Isles of Scilly.
- (2) The Secretary of State may by order amend this section for the purpose of changing the meaning in this Chapter of “local authority” in relation to England.
- (3) In this Chapter “local authority” in relation to Wales means –
 - (a) a county council in Wales, or
 - (b) a county borough council.
- (4) The Welsh Ministers may by order amend this section for the purpose of changing the meaning in this Chapter of “local authority” in relation to Wales.

107 Meaning of “owner”

- (1) In this Chapter “owner”, in relation to land, is to be read as follows.
- (2) The owner of any land is the person in whom the freehold estate in the land is vested, but not if there is a qualifying leasehold estate in the land.
- (3) If there is just one qualifying leasehold estate in any land, the owner of the land is the person in whom that estate is vested.
- (4) If there are two or more qualifying leasehold estates in the same land, the owner of the land is the person in whom is vested the qualifying leasehold estate that is more or most distant (in terms of the number of intervening leasehold estates) from the freehold estate.
- (5) In this section “qualifying leasehold estate”, in relation to any land, means an estate by virtue of a lease of the land for a term which, when granted, had at least 25 years to run.
- (6) The appropriate authority may by order amend this section –
 - (a) for the purpose of changing the definition of “owner” for the time being given by this section;
 - (b) for the purpose of defining “owner” for the purposes of this Chapter in a case where, for the time being, this section does not define that expression.

108 Interpretation of Chapter: general

- (1) In this Chapter –
 - “appropriate authority” –
 - (a) in relation to England means the Secretary of State, and
 - (b) in relation to Wales means the Welsh Ministers;
 - “building” includes part of a building;
 - “community nomination” has the meaning given by section 89(2);
 - “land” includes –
 - (a) part of a building,
 - (b) part of any other structure, and
 - (c) mines and minerals, whether or not held with the surface;
 - “land of community value” is to be read in accordance with section 88;
 - “local authority” is to be read in accordance with section 106;
 - “owner”, in relation to any land, is to be read in accordance with section 107;
 - “unsuccessful”, in relation to a community nomination, has the meaning given by sections 90(5) and 92(4)(b)(i).
- (2) For the meaning of “list of assets of community value” see section 87(2).
- (3) For the meaning of “list of land nominated by unsuccessful community nominations” see section 93(2).

2012 No. 2421

LOCAL GOVERNMENT, ENGLAND

The Assets of Community Value (England) Regulations 2012

Made - - - - *20th September 2012*

Coming into force in accordance with regulation 1(1)

In accordance with section 235(6) and (7)(h) of the Localism Act 2011^(a), a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

The Secretary of State, in exercise of the powers conferred by sections 87(5), 88(3), 89(4), 89(5), 91(2)(d), 92(5), 95(5)(e) and (j), 95(6), 99(1) and 101(1) of the Localism Act 2011, makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Assets of Community Value (England) Regulations 2012 and shall come into force on the day after they are made.

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

“the Act” means the Localism Act 2011;

“compensation review” means a review requested in accordance with regulation 16;

“the list”, in relation to a local authority, means the list maintained by the authority of land in that authority’s area that is land of community value, and “listed” and “listing” are to be interpreted accordingly;

“listing review” means a review under section 92(2) of the Act (review of local authority’s decision to include land in its list);

“neighbouring authority”: a local authority in England is a neighbouring authority in relation to any land if any part of the boundary of that authority’s area is also part of the boundary of the area of the responsible authority;

“registrar”, “register” (other than in regulation 4(3)) and “registered estate” have the meaning given in section 132(1) of the Land Registration Act 2002^(b);

“responsible authority” in relation to any land means the local authority in whose area the land is situated;

“a statutory compulsory purchase” in relation to any land, means a purchase of the land by a purchaser authorised by or under an Act to acquire the land compulsorily (whether or not a purchase pursuant to the authorisation).

(a) 2011 c.20. The power to make regulations under these provisions in relation to Wales is conferred on the Welsh Ministers, see the definition of “appropriate authority” in section 108(1) of the Localism Act 2011.

(b) 2002 c.9. There have been amendments to section 132 which are not relevant to these Regulations.

- (4) For the purposes of these Regulations, land is owned by a single owner if—
- (a) the land is owned by the same person; or
 - (b) in a case not within sub-paragraph (a), the land is held on trusts and was settled on those trusts by the same settlor.

List of assets of community value

2. A local authority must as soon as practicable after receiving information that enables it to do so make the following amendments to an entry on the list—

- (a) add to the entry—
 - (i) the information that, during the six weeks beginning with the date of receipt of a notice under section 95(2) of the Act in respect of any of the land to which the entry applies, it has received a request from a community interest group with a local connection to be treated as a potential bidder in relation to land to which the notice relates;
 - (ii) the name of that community interest group; and
 - (iii) that restrictions on entering into a relevant disposal of the land to which the notice relates continue to apply during the six months beginning with the date the notice was received, but at the end of that six months will then not apply for a further twelve months;
- (b) amend or, as the case may be, remove the entry so as to exclude any of the land that has since it was included in the list been the subject of a relevant disposal other than one referred to in section 95(5) of the Act; and
- (c) remove the entry if—
 - (i) an appeal against listing is successful, or
 - (ii) the authority for any reason no longer considers the land to be land of community value.

Land which may not be listed

3. A building or other land within a description specified in Schedule 1 is not land of community value (and therefore may not be listed).

Definition of local connection

4.—(1) For the purposes of these regulations and section 89(2)(b)(iii) of the Act, a body other than a parish council has a local connection with land in a local authority's area if—

- (a) the body's activities are wholly or partly concerned—
 - (i) with the local authority's area, or
 - (ii) with a neighbouring authority's area;
 - (b) in the case of a body within regulation 5(1)(c), (e) or (f), any surplus it makes is wholly or partly applied—
 - (i) for the benefit of the local authority's area, or
 - (ii) for the benefit of a neighbouring authority's area; and
 - (c) in the case of a body within regulation 5(1)(c) it has at least 21 local members.
- (2) For the purposes of these regulations and section 89(2)(b)(iii) of the Act—
- (a) a parish council has a local connection with land in another parish council's area if any part of the boundary of the first council's area is also part of the boundary of the other council's area; and
 - (b) a parish council has a local connection with land that is in a local authority's area but is not in any parish council's area if—

- (i) the council’s area is within the local authority’s area, or
- (ii) any part of the boundary of the council’s area is also part of the boundary of the local authority’s area.

(3) In paragraph (1)(c), “local member” means a member who is registered, at an address in the local authority’s area or in a neighbouring authority’s area, as a local government elector in the register of local government electors kept in accordance with the provisions of the Representation of the People Acts(a).

Voluntary or community bodies

5.—(1) For the purposes of section 89(2)(b)(iii) of the Act, but subject to paragraph (2), “a voluntary or community body” means—

- (a) a body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990(b);
- (b) a parish council;
- (c) an unincorporated body—
 - (i) whose members include at least 21 individuals, and
 - (ii) which does not distribute any surplus it makes to its members;
- (d) a charity;
- (e) a company limited by guarantee which does not distribute any surplus it makes to its members;
- (f) an industrial and provident society which does not distribute any surplus it makes to its members; or
- (g) a community interest company(c).

(2) A public or local authority may not be a voluntary or community body, but this does not apply to a parish council.

(3) In this regulation “industrial and provident society” means a body registered or deemed to be registered under the Industrial and Provident Societies Act 1965(d) which meets one of the conditions in section 1 of that Act

Contents of community nominations

6. A community nomination must include the following matters—

- (a) a description of the nominated land including its proposed boundaries;
- (b) a statement of all the information which the nominator has with regard to—
 - (i) the names of current occupants of the land, and
 - (ii) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land;
- (c) the nominator’s reasons for thinking that the responsible authority should conclude that the land is of community value; and

(a) See in particular section 2 of the Representation of the People Act 1983 (c.2), inserted by section 1 of the Representation of the People Act 2000 (c.2).

(b) 1990 c.8. Section 61F was inserted by paragraphs 1 and 2 of Schedule 9 to the Localism Act 2011, with effect from 6th April 2012, in accordance with article 8(a) of the Localism Act 2011 (Commencement No. 4 and Transitional, Transitory and Saving Provisions) Order 2012, S.I. 2012/628.

(c) A community interest company is a company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise Act 2004 (c.27). See in particular sections 26, 35 and 36A. There have been amendments to section 26 and a substitution of section 36A which are not significant for these Regulations.

(d) 1965 c.12. There have been amendments to section 1 of the 1965 Act which are not significant for these Regulations. Section 1 of the Co-operative and Community Benefit Societies and Credit Unions Act 2010 (c.7) substitutes new wording for section 2 of the 1965 Act, and amends the title of that Act to the Co-operative and Community Benefit Societies and Credit Unions Act 1965, on a date to be appointed.

- (d) evidence that the nominator is eligible to make a community nomination.

Procedure when considering whether to list land

7. The responsible authority must decide whether land nominated by a community nomination should be included in the list within eight weeks of receiving the nomination.

8. A local authority which is considering whether land nominated by a community nomination should be included in the list must take all practicable steps to give the information that it is considering listing the land to—

- (a) a parish council if any of the land is in the council's area;
- (b) the owner of the land;
- (c) where the owner is not the freeholder—
 - (i) the holder of the freehold estate in the land; and
 - (ii) the holder of any leasehold estate in the land other than the owner; and
- (d) any lawful occupant of the land.

Notice of inclusion or removal

9. A local authority which gives notice under section 91 of the Act must, in addition to the persons specified in that section, give it to—

- (a) where they are not the owner, the holder of the freehold estate in the land and the holder of any leasehold estate in the land, and
- (b) a parish council if any of the land is in the council's area.

Procedure to be followed for listing review

10. Where an owner of listed land asks the responsible authority to carry out a listing review, the review is to be carried out in accordance with the procedure set out in Schedule 2.

Appeal against listing review decision

11.—(1) An owner of listed land may appeal to the First-Tier Tribunal against the local authority's decision on a listing review in respect of the land.

(2) The owner referred to in paragraph (1) may be either the owner who requested the review, or a subsequent owner of part or the whole of the land.

Community interest groups

12. For the purposes of these regulations and section 95(3)(a) of the Act—

- (a) a parish council is a community interest group in relation to land to which a notice under section 95(2) of the Act relates if any of the land is in the council's area; and
- (b) a body is a community interest group in relation to any land if the body—
 - (i) is within one or more of sub-paragraphs (d) to (g) of regulation 5(1); and
 - (ii) has a local connection with the land.

Moratorium

13.—(1) Where the responsible authority receives notice under section 95(2) of the Act in relation to any listed land, an owner of the land may enter into a relevant disposal of any of that land to a community interest group at any time in the eighteen months beginning with the date of receipt of the notice.

(2) Section 95(1) of the Act does not apply to a relevant disposal of listed land in the cases set out in Schedule 3.

Compensation

14.—(1) An owner or former owner of listed land or of previously listed land, other than an owner or former owner specified in regulation 15, is entitled to compensation from the responsible authority of such amount as the authority may determine where the circumstances in paragraph (2) apply.

(2) The circumstances mentioned in paragraph (1) are that the person making the claim has, at a time when the person was the owner of the land and the land was listed, incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.

(3) For the avoidance of doubt, and without prejudice to other types of claim which may be made, the following types of claim may be made—

- (a) a claim arising from any period of delay in entering into a binding agreement to sell the land which is wholly caused—
 - (i) by relevant disposals of the land being prohibited by section 95(1) of the Act during any part of the relevant six weeks that is on or after the date on which the responsible authority receives notification under section 95(2) of the Act in relation to the land, or
 - (ii) in a case where the prohibition continues during the six months beginning with that date, by relevant disposals of the land being prohibited during any part of the relevant six months that is on or after that date; and
- (b) a claim for reasonable legal expenses incurred in a successful appeal to the First-Tier Tribunal against the responsible authority's decision—
 - (i) to list the land,
 - (ii) to refuse to pay compensation, or
 - (iii) with regard to the amount of compensation offered or paid.

(4) In paragraph (3)(a) “the relevant six weeks” means the six weeks, and “the relevant six months” means the six months, beginning with—

- (a) the date on which the responsible authority receives notification under section 95(2) of the Act in relation to the land, or
- (b) if earlier, the earliest date on which it would have been reasonable for that notification to have been given by the owner who gave it.

(5) A claim for compensation must—

- (a) be made in writing to the responsible authority;
- (b) be made before the end of thirteen weeks after the loss or expense was incurred or (as the case may be) finished being incurred;
- (c) state the amount of compensation sought for each part of the claim; and
- (d) be accompanied by supporting evidence for each part of the claim.

(6) The responsible authority must give the claimant written reasons for its decisions with respect to a request for compensation.

15. The following are not entitled to compensation under regulation 14—

- (a) an authority or other body in respect of loss or expense incurred at a time when it has accounts which are required by section 2 of the Audit Commission Act 1998(a) to be audited in accordance with that Act;

(a) 1998 c.18. The accounts to which section 2 applies are specified in Schedule 2 to the 1998 Act, which has been amended from time to time.

- (b) a department, authority or other body in respect of loss or expense incurred at a time when section 6 of the National Audit Act 1983(a) (“the 1983 Act”) applies to it; and
- (c) an authority or body in respect of loss or expense incurred in any of its financial years if its use of resources in that year is examinable under section 7 of the 1983 Act.

Review by local authority of compensation decision

16.—(1) A person who has under regulation 14 made a claim for compensation may ask the responsible authority concerned to review either or both of its decisions, made in response to that claim, as to—

- (a) whether compensation should be paid to that person, and
- (b) if compensation is to be paid, the amount of that compensation.

(2) If a request for a compensation review is made in accordance with the provisions of paragraph 2 of Schedule 2, the authority must in accordance with the procedure in Schedule 2 review the decision or decisions of which review is requested.

(3) Where an authority carries out a compensation review, the authority must give written notification to the person who asked for the review of—

- (a) the decision on the review, and
- (b) the reasons for the decision.

Appeal against compensation review decision

17. Where a local authority has carried out a compensation review, the person who requested the review may appeal to the First-Tier Tribunal against any decision of the authority on the review.

Duty of local authority regarding restriction entered in the register in respect of listed land

18. Where a local authority which has caused a restriction in Form QQ(b) to be entered in respect of a registered estate subsequently removes the land to which the registered estate relates from the list, the authority must as soon after doing so as is practicable apply to the registrar for cancellation of the restriction.

Duties of owners and mortgagees in respect of listed land

19.—(1) Where listed land is entered in the register on an application for first registration of the land made to the registrar—

- (a) by an owner of the land, or
- (b) under rule 21 of the Land Registration Rules 2003(c), by a mortgagee in the name of the owner,

the applicant must, as soon as is practicable after the land is entered in the register, inform the responsible authority of that.

(2) A person who as a result of a disposal has become the owner of listed land must as soon as practicable after becoming the owner give the responsible authority—

- (a) information that the disposal has taken place; and
- (b) full details of—

(a) 1983 c.44. The list of public bodies to which section 6 applies has been amended from time to time.
(b) Form QQ is a new form of wording of a restriction added to Schedule 4 to the Land Registration Rules 2003 (S.I. 2003/1417) by paragraph 6 of Schedule 4 to these Regulations.
(c) 2003/1417. See footnotes to Schedule 4 for details of previous amendments to this instrument.

- (i) the name of the person who has become the owner including, where that person is a body corporate subject to registration, its place of registration and registered number; and
 - (ii) the address of that person.
- (3) In this regulation—
- (a) “owner” includes a person who would be an owner as defined in section 107 of the Act—
 - (i) but for the effect of section 7(1) and (2) of the Land Registration Act 2002(a); or
 - (ii) if the disposition to that person had been completed by registration in accordance with section 27(1)(b) of that Act; and
 - (b) “disposal” means a transfer of a freehold estate or a grant or assignment of a leasehold estate in land, including—
 - (i) a relevant disposal, and
 - (ii) a binding agreement to make a disposal.

Amendments to Land Registration Rules

20. The Land Registration Rules 2003 are amended as set out in Schedule 4.

Consequences of non-compliant disposal

21.—(1) Subject to paragraph (2), a disposal of listed land is ineffective if it is a disposal that contravenes section 95(1) of the Act.

(2) Paragraph (1) does not apply if the person making the disposal, having made all reasonable efforts to find out if the land to be disposed of is listed, does not know that it is listed at the time the disposal is entered into.

Signed by the authority of the Secretary of State for the Department for Communities and Local Government

20th September 2012

Don Foster
Parliamentary Under Secretary of State
Department for Communities and Local Government

SCHEDULE 1

Regulation 3

Land which is not of community value (and therefore may not be listed)

1. —(1) Subject to sub-paragraph (5) and paragraph 2, a residence together with land connected with that residence.

(2) In this paragraph, subject to sub-paragraphs (3) and (4), land is connected with a residence if—

- (a) the land, and the residence, are owned by a single owner; and
- (b) every part of the land can be reached from the residence without having to cross land which is not owned by that single owner.

(a) 2002 c.9. Section 7 was amended by the Land Registration Act (Amendment) Order 2008 (S.I. 2008/2872).
 (b) Section 27 was amended by the Commons Registration Act 1965 (c.64) and by section 157(1) and (4) of the Localism Act 2011, brought into force on 1st April 2012 by article 6(a) of the Localism Act 2011 (Commencement No. 4 and Transitional, Transitory and Saving Provisions) Order 2012 (S.I. 2012/628).

(3) Sub-paragraph (2)(b) is satisfied where a part of the land cannot be reached from the residence by reason only of intervening land in other ownership on which there is a road, railway, river or canal, provided that the additional requirement in sub-paragraph (4) is met.

(4) The additional requirement referred to in sub-paragraph (3) is that it is reasonable to think that sub-paragraph (2)(b) would be satisfied if the intervening land were to be removed leaving no gap.

(5) Land which falls within sub-paragraph (1) may be listed if—

- (a) the residence is a building that is only partly used as a residence; and
- (b) but for that residential use of the building, the land would be eligible for listing.

2. For the purposes of paragraph 1 and this paragraph—

- (a) “residence” means a building used or partly used as a residence;
- (b) a building is a residence if—
 - (i) it is normally used or partly used as a residence, but for any reason so much of it as is normally used as a residence is temporarily unoccupied;
 - (ii) it is let or partly let for use as a holiday dwelling;
 - (iii) it, or part of it, is a hotel or is otherwise principally used for letting or licensing accommodation to paying occupants; or
 - (iv) it is a house in multiple occupation as defined in section 77 of the Housing Act 2004(a); and
- (c) a building or other land is not a residence if—
 - (i) it is land on which currently there are no residences but for which planning permission or development consent has been granted for the construction of residences;
 - (ii) it is a building undergoing construction where there is planning permission or development consent for the completed building to be used as a residence, but construction is not yet complete; or
 - (iii) it was previously used as a residence but is in future to be used for a different purpose and planning permission or development consent for a change of use to that purpose has been granted.

3. Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960(b), or would be so required if paragraphs 1, 4, 5 and 10 to 11A of Schedule 1 to that Act were omitted.

4. Operational land as defined in section 263 of the Town and Country Planning Act 1990(c).

(a) 2004 c. 34.

(b) 1960 c.62. Paragraph 11A of Schedule 1 was inserted by section 176 of the Local Government, Planning and Land Act 1980 (c.65).

(c) 1990 c.8. Section 263 has been amended by paragraph 7 of Schedule 5 to the Transport Act 2000 (c.38); by paragraph 23 of Schedule 6, and Part 2 of Schedule 19 to the Planning and Compensation Act 1991 (c. 34), and by S.I. 2001/1149.

Procedure for listing review and compensation review

Time for requesting a listing review

1.—(1) Except as specified in sub-paragraph (2), a request for a listing review must be made in writing before the end of a period of eight weeks beginning with the day on which written notice of inclusion of the land in the list was given by the responsible authority under section 91(2) of the Act, or such longer period as the authority may in writing allow.

(2) Where the authority takes reasonable alternative steps to bring the notice to the attention of the owner in accordance with section 91(2), a request for a listing review must be made before the end of a period of eight weeks beginning with the day on which the authority completes the taking of those steps.

Time for requesting a compensation review

2. A request for a compensation review must be made in writing before the end of a period of eight weeks beginning with the date on which the responsible authority provides the owner with written notification of its reasons in accordance with regulation 14(6), or such longer period as the authority may in writing allow.

Procedure for reviews

3. In the following provisions of this Schedule, “the review” means a listing review or a compensation review.

4. An officer of the authority of appropriate seniority who did not take any part in making the decision to be reviewed (“the reviewer”) shall carry out the review and make the review decision.

5.—(1) The owner may appoint any representative (whether legally qualified or not) to act on his or her behalf in connection with the review.

(2) The local authority must provide to the representative any document which is required to be sent to the owner, and need not provide that document separately to the owner.

6. As soon as is practicable following the written request for the review, the authority shall notify the owner of the procedure to be followed in connection with the review.

7.—(1) An oral hearing must be held at the owner’s written request.

(2) Where no written request for an oral hearing is made by the owner, the authority may decide whether or not to include an oral hearing in the review process.

8. Both the owner and the owner’s representative may make representations to the reviewer orally or in writing or both orally and in writing.

9. The authority must complete the review by the end of the period of eight weeks beginning with the date the authority receives the written request for the review, or such longer period as is agreed with the owner in writing.

Relevant disposals to which section 95(1) of the Act does not apply

1. A disposal pursuant to an order made by a court or by a tribunal established by or under an Act.

2.—(1) A disposal made pursuant to a separation agreement made between spouses or civil partners.

(2) A disposal made pursuant to an agreement—

- (a) made between spouses or civil partners in connection with their separation, or between former spouses or former civil partners, and
- (b) relating to the care of a child dependent on a party to the agreement.

3.—(1) Any disposal made under, or for the purposes of, any statutory provision relating to incapacity.

(2) In this paragraph—

- (a) “incapacity” includes any of the following (whether temporary or permanent)—
 - (i) physical impairment,
 - (ii) mental impairment, and
 - (iii) lack of, or impairment to, capacity to deal with financial and property matters; and
- (b) “statutory provision” means any provision contained in an Act or in an instrument made under an Act.

4.—(1) Subject to sub-paragraph (2), a disposal—

- (a) to a particular person in pursuance of a requirement that it should be made to that person under a planning obligation entered into in accordance with section 106 of the Town and Country Planning Act 1990; or
- (b) made in pursuance of the exercise of a legally enforceable—
 - (i) option to buy,
 - (ii) nomination right,
 - (iii) right of pre-emption, or
 - (iv) right of first refusal.

(2) A disposal is not within sub-paragraph (1)(a) if it is of land that was listed when the obligation was entered into; and a disposal is not within sub-paragraph (1)(b) if it is of land that was listed when the option or right was granted.

5.—(1) A disposal by a transferor, “T”, to a former owner, where both the conditions in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are that—

- (a) the land was acquired by T or by a predecessor in title of T by a purchase that was a statutory compulsory purchase (“the original purchase”); and
- (b) T has made a first offer of the land to the former owner, in accordance with an obligation to offer back the land to the former owner before disposing of the land on the open market.

(3) In this paragraph—

- (a) “former owner” means—
 - (i) the person, “P”, from whom the land was acquired under the original purchase; or
 - (ii) a successor to P; and
- (b) “successor” means the person on whom the land, had it not been acquired by T or a predecessor of T, would clearly have devolved under P’s will or intestacy, and includes a person who has succeeded, otherwise than by purchase, to adjoining land from which the land was severed by the original purchase.

6.—(1) Disposal in exercise of a power of sale of the land by a person who has that power by way of security for a debt.

(2) The reference in sub-paragraph (1) to a power of sale includes in particular a power implied by virtue of section 101(1)(i) of the Law of Property Act 1925(a).

7. A disposal pursuant to insolvency proceedings as defined by Rule 13.7 of the Insolvency Rules 1986(b).

8. A disposal of land to a person whose acquisition of the land is a statutory compulsory purchase.

9. A grant of a tenancy of the land pursuant to the provisions of Part 4 of the Agricultural Holdings Act 1986(c).

10.—(1) A disposal by one body corporate to another, where the second one is a group undertaking in relation to the first.

(2) In this paragraph, “group undertaking” has the meaning given by section 1161(5) of the Companies Act 2006(d).

11.—(1) A part-listed disposal as specified in section 95(5)(e) of the Act where, subject to sub-paragraphs (2) and (3), the following conditions are satisfied with regard to the land which is being disposed of—

- (a) the land is owned by a single owner; and
- (b) every part of the land can be reached from every other part without having to cross land which is not owned by that single owner.

(2) Sub-paragraph (1)(b) is satisfied where a part of the land cannot be reached from every other part of the land by reason only of intervening land in other ownership on which there is a road, railway, river or canal, provided that the additional requirement in sub-paragraph (3) is met.

(3) The additional requirement referred to in sub-paragraph (2) is that it would be reasonable to think that sub-paragraph (1)(b) would be satisfied if the intervening land were to be removed leaving no gap.

12. A disposal of a church, together with any land annexed or belonging to it, pursuant to a scheme under Part 6 of the Mission and Pastoral Measure 2011(e).

13.—(1) A disposal by any person for the purpose of enabling health service provision to continue to be provided on the land.

(2) In this paragraph, “health service provision” means services provided as part of the health service continued under section 1(1) of the National Health Service Act 2006(f).

14.—(1) A disposal of land to be held for the purposes of—

- (a) subject to sub-paragraph (2), a school as defined in section 4 of the Education Act 1996(g);
- (b) a 16 to 19 Academy(h); or

(a) 1925 c.20. The application of section 101(1)(i) was affected by the insertion of sub-section (1A) by paragraph 2 of Schedule 5 to the Commonhold and Leasehold Reform Act 2002 (c.15).

(b) S.I. 1986/1925.

(c) 1986 c.5. Part 4 of this Act makes provision for succession on the death or retirement of a tenant of an agricultural holding.

(d) 2006 c.46.

(e) 2011 No. 3. Part 6 of this Measure, which comes into force on 1st July 2012, concerns redundant churches and replaces Part 3 of the Pastoral Measure 1983 No. 1.

(f) 2006 c.41. A new version of section 1 is substituted by section 1 of the Health and Social Care Act 2012 (c.7), on a date to be specified by the Secretary of State by order. The new wording of section 1(1) of the 2006 Act is not significantly different for the purposes of these Regulations.

(g) 1996 c.56. Section 4 has been amended by section 51 of, and paragraph 10(b) of Schedule 7 and Schedule 8 to, the Education Act 1997 (c.44); by section 95(1), (2) and (3) of the Childcare Act 2006 (c.21); by Part 3 of Schedule 22 to the Education Act 2002 (c.32); by paragraph 9(1), (2)(a) and (2)(b) of Schedule 13 to the Education Act 2011 (c.21); and by S.I. 2010/1080.

(h) A “16 to 19 Academy” is an educational institution which meets the requirements of section 1B of the Academies Act 2010 (c.32). Section 1B was inserted into that Act by section 53(7) of the Education Act 2011, with effect from 1st April 2012 (commenced by S.I. 2012/924).

(c) an institution within the further education sector as defined in section 91(3) of the Further and Higher Education Act 1992(a).

(2) For the purposes of sub-paragraph (1)(a), “school” does not include an independent school other than one in respect of which Academy arrangements have been entered into by the Secretary of State under section 1 of the Academies Act 2010.

(3) For the purposes of sub-paragraph (2), “independent school” has the meaning given in section 463(b) of the Education Act 1996.

15. A disposal which is subject to a statutory requirement regarding the making of the disposal, where that requirement could not be observed if the requirements of section 95(1) of the Act were complied with.

SCHEDULE 4

Regulation 20

Amendments to Land Registration Rules

1. The Land Registration Rules 2003(c) are amended as follows.

2. After rule 27, insert—

“First registration – where land is or was listed as land of community value

27A.—(1) An owner of listed land who applies for first registration of that land, or where rule 21 applies a mortgagee who makes such an application in the name of the owner, must at the same time apply for entry of a restriction in Form QQ in respect of that land.

(2) Where a person applies for first registration of land and any of the deeds and documents accompanying the application (in accordance with rule 24(1)(c)) includes a conveyance or lease to the applicant or to a predecessor in title made at any time when the land was listed land, the applicant must in respect of each such conveyance or lease provide a certificate by a conveyancer that the conveyance or lease did not contravene section 95(1) of the Localism Act 2011.

(3) In this rule—

- (a) “listed land” means land entered in a local authority’s list of assets of community value maintained under section 87(1) of the Localism Act 2011, and
- (b) “owner” has the same meaning as in section 107 of the Localism Act 2011, except that it includes a person who would be such an owner but for the effect of section 7(1) and (2) of the Act.”.

3. In rule 93(d)—

- (a) in paragraph (w), omit the final “and”, and
- (b) after paragraph (x) add—

“(y) a local authority where it has entered land, the title to which is registered, in its list of assets of community value which it maintains in accordance with section 87(1) of the Localism Act 2011, and is applying for a restriction in form QQ to be entered in the register for that land, and

(a) 1992 c.13. Amendments to section 91(3) have been made by paragraphs 1 and 13(1) and (3) of Schedule 8 to the Apprenticeships, Skills, Children and Learning Act 2009 (c.22).

(b) Section 463 was substituted by section 172 of the Education Act 2002, and has been amended by S.I. 2010/1158.

(c) S.I. 2003/1417. Rule 27 was amended by S.I. 2008/1919.

(d) Rule 93 was amended by S.I. 2005/1766 and S.I. 2008/1919.

- (z) a mortgagee under a mortgage falling within section 4(1)(g) of the Act who makes an application for first registration under rule 21, where the estate charged relates to land entered in a local authority's list of assets of community value maintained under section 87(1) of the Localism Act 2011, and is applying for a restriction in Form QQ to be entered in the register of that estate.”.

4. In rule 94(a), after the end of paragraph (10) add—

“(11) Where a local authority has entered land in its list of assets of community value which it maintains in accordance with section 87(1) of the Localism Act 2011, an application for a restriction in Form QQ must be made—

- (a) if that land includes a registered estate the proprietor of which is an owner as defined in section 107 of that Act, as soon as practicable by the local authority in respect of that registered estate unless there is an existing restriction in Form QQ in respect of that estate, or
- (b) if the title to the land is unregistered, where required by rule 27A(1).”.

5. In rule 217(3)(b), for “PP” substitute “QQ”.

6. In Schedule 4(c), at the end (after the end of the provision regarding Form PP) add—

“Form QQ (Land included in a list of assets of community value maintained under section 87(1) of the Localism Act 2011)

No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

Chapter 3 of Part 5 of the Localism Act 2011 (“the Act”) makes provision for England and Wales in relation to assets of community value, and includes powers for the Secretary of State to make further detailed provision in relation to England. These Regulations, which apply to England only, contain those details and come into force at the same time as commencement of Chapter 3, Part 5 of the Act, to give effect to the assets of community value scheme.

Regulation 1 defines terms used in the Regulations.

Regulation 2 specifies ways in which a local authority must modify an entry on its list of assets of community value.

Regulation 3 introduces Schedule 1, which specifies types of land which may not be listed as an asset of community value.

Regulation 4 defines “local connection” in relation to land, which is a requirement for voluntary or community bodies which wish to nominate land for listing, and for community interest groups in relation to the moratorium rules applying to listed land contained in section 95 of the Act.

Regulation 5 sets out the requirements for a group to qualify as a voluntary or community body, which under section 89(2)(b)(iii) of the Act is eligible to nominate land for listing.

Regulation 6 specifies information which must be included in a community nomination of land to be listed.

(a) Rule 94 was amended by S.I. 2008/1919.

(b) Rule 217(3) was amended by S.I. 2008/1919.

(c) New text of Schedule 4 was substituted by S.I. 2008/1919, and has subsequently been amended by S.I. 2010/671.

Regulation 7 requires a local authority to decide within 8 weeks whether nominated land should be listed.

Regulation 8 specifies people whom a local authority must inform when it is considering whether to list land, and regulation 9 specifies people to whom notice must be given when land is added to or removed from the list (in addition to those specified in section 91 of the Act).

Regulation 10 introduces Schedule 2, which contains the procedure to be followed by a local authority when it carries out a review of its decision to list land.

Regulation 11 gives an owner of land, including both the owner who requested the review and a subsequent owner of the land, the right to appeal to the First-Tier Tribunal against the local authority's decision on its review of its decision to list the land.

Regulation 12 sets out the requirements for a group to qualify as a community interest group, which under section 95(3)(a) of the Act may make a written request to be treated as a potential bidder in relation to the land.

Regulation 13 specifies that a community interest group may enter into a contract to buy listed land during a moratorium period, and introduces Schedule 3 which sets out types of disposal to which the moratorium requirements in section 95(1) of the Act will not apply at all (in addition to those set out in section 95(5) of the Act).

Regulation 14 gives an owner of listed or formerly listed land the right to claim compensation for loss or expense, incurred while the owner of the land, which would be likely not to have been incurred if the land had not been listed. It also sets out procedural requirements for making a compensation claim, and requires local authorities to give owners written reasons for decisions with regard to compensation.

The right to claim compensation does not apply to public and publicly funded owners of land specified in regulation 15.

Regulation 16 gives a person who has claimed compensation the right to require the local authority to review its decision with regard to that claim, and to give reasons for the review decision, and applies the procedural rules in Schedule 2 to compensation reviews.

Regulation 17 gives a person who has requested a compensation review the right to appeal to the First-Tier Tribunal against the local authority's review decision.

Regulations 18 to 20 contain provisions to safeguard against non-compliance by owners of listed land with the statutory requirements. Requirements regarding application for a restriction on the land register in respect of listed land, and for provision of an independent certificate of compliance to the Land Registrar in certain circumstances, are created by amendment to the Land Registration Rules 2003 ("the 2003 Rules").

With regard to entry on the land register of a restriction in respect of listed land, regulation 18 requires a local authority to apply in certain circumstances to cancel the restriction.

Regulation 19 creates two duties applying to owners of listed land; firstly that an owner applying for first registration of the land (or a mortgagee applying for first registration on behalf of the owner) must at the same time apply for entry of a restriction on the land register; and secondly that a person who has become an owner of the land following a disposal must inform the local authority of the disposal and provide ownership details.

Regulation 20 introduces Schedule 4, which makes amendments to rules 27, 93, 94, and 217 of, and Schedule 4 to, the 2003 Rules.

Paragraph 2 of Schedule 4 to these Regulations adds a new rule 27A to the 2003 Rules. This requires an owner of listed land applying for first registration of the land in the land register to apply at the same time for a restriction in Form QQ to be entered in the register. The same duty applies to a mortgagee applying for first registration in the owner's name. At the same time the

applicant for first registration must provide with the application a certificate by a conveyancer that any conveyance of lease of the land while it was listed did not contravene section 95(1) of the Act.

Paragraph 3 of Schedule 4 amends rule 93 of the 2003 Rules (which specifies persons who have a sufficient interest to apply for a restriction) by adding a local authority which has listed land and is applying for a restriction to be entered in the register, and a mortgagee who has applied for first registration and for a restriction to be entered with respect to the charged land.

Paragraph 4 of Schedule 4 amends rule 94 of the 2003 Rules (which specifies when an application for a restriction must be made) by adding that where a local authority has listed land, an application for a restriction in Form QQ must be made either by the local authority (unless such a restriction already exists) or in accordance with new rule 27A (by the owner or mortgagee).

Paragraph 6 of Schedule 4 adds the wording for new Form QQ to Schedule 4 of the 2003 Rules (standard forms of restriction) , and paragraph 5 makes a consequential amendment to rule 217.

Regulation 21 provides that a non-compliant disposal will be ineffective, except where the owner making the disposal, having made all reasonable efforts to find out if the land was listed, was unaware that this was the case at the time of the disposal.

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Department for
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Community Right to Bid: Non-statutory advice note for local authorities

Part 5 Chapter 3 of the Localism Act 2011 and the Assets of
Community Regulations 2012

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Ministerial foreword



From local pubs and shops to village halls and community centres, the past decade has seen many communities lose local amenities and buildings that are of great importance to them. As a result they find themselves bereft of the assets that can help to contribute to the development of vibrant and active communities. However on a more positive note, the past decade has also seen a significant rise in communities becoming more active and joining together to save and take over assets which are significant for them.

Part 5 Chapter 3 of the Localism Act, and the Assets of Community Value (England) Regulations, which together deliver the Community Right to Bid, aim to encourage more of this type of community-focused, locally-led action by providing an important tool to help communities looking to take over and run local assets. The scheme will give communities the opportunity to identify assets of community value and have them listed and, when they are put up for sale, more time to raise finance and prepare to bid for them.

This scheme requires an excellent understanding of the needs of the local community. As such local authorities will have a pivotal role in implementing the Community Right to Bid, working with local communities to decide on asset listing, ensuring asset owners understand the consequences of listing, enforcing the Moratorium period and in taking decisions as part of any appeals process

This advice note, which has non-statutory status, is aimed at helping local authorities to implement the scheme so that they can work with their communities to protect the buildings and amenities which are of great local significance to the places where people live and work.

A handwritten signature in black ink, appearing to read 'Don Foster', with a horizontal line underneath.

The Rt Hon Don Foster MP

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Section1

Introduction and scope of advice

- 1.1 The Localism Act (“the Act”) was enacted on 15 November 2011¹, and the Assets of Community Value provisions in Part 5 Chapter 3 were commenced for England at the same time as the Regulations made under those provisions came into force, both on 21 September 2012.
- 1.2 The status of this advice note is non-statutory and applies only to England.
- 1.3 A glossary of terms is at Annex A at the end of this guidance.

¹ <http://www.legislation.gov.uk/ukpga/2011/20/part/5/chapter/3/enacted>

Section 2

Outline of how the scheme works

- 2.1 The provisions give local groups a right to nominate a building or other land for listing by the local authority as an asset of community value. It can be listed if a principal (“non-ancillary”) use of the asset furthers (or has recently furthered) their community’s social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future. When a listed asset is to be sold, local community groups will in many cases have a fairer chance to make a bid to buy it on the open market.

- 2.2 The Assets of Community Value legislation places requirements on the following local authorities in England:
 - (a) a district council,
 - (b) a county council for an area for which there are no district councils,
 - (c) a London borough council,
 - (d) the Common Council of the City of London, or
 - (e) the Council of the Isles of Scilly.

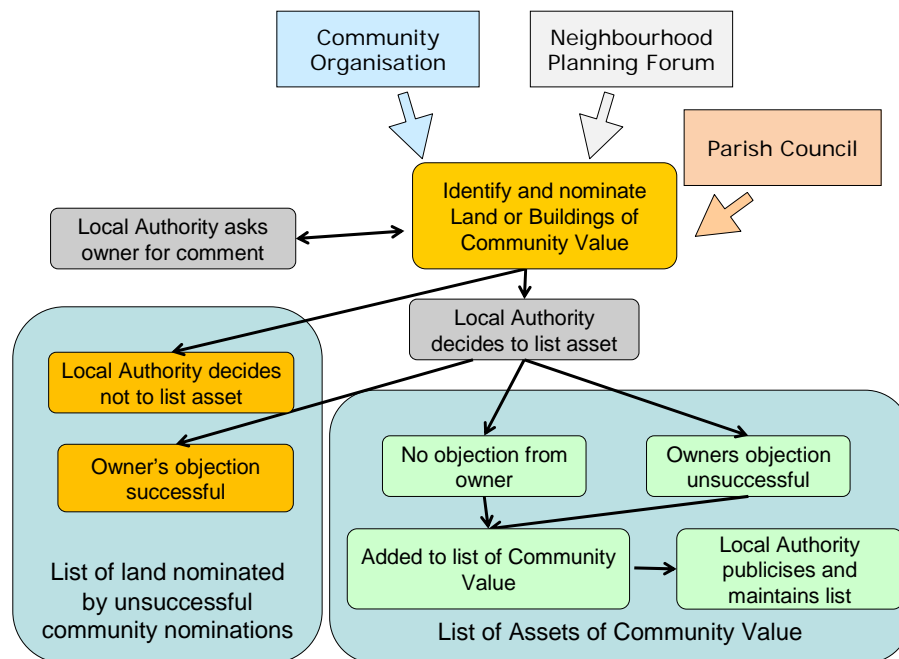
- 2.3 The scheme has two main parts: nominating and listing assets and the moratorium.

Nominating an asset

- 2.4 It is open to parishes and community organisations, including neighbourhood forums (as constituted under section 61F of the Town and Country Planning Act 1990, added to that Act by the Localism Act) to nominate local assets to their local authority, to be included on the list of assets of community value. Nominated assets may be owned by anybody, including the local authority and the Crown.

- 2.5 A neighbouring parish council can nominate an asset. Where the land is in a parish area, this means a parish which shares a border with it; or if an asset is in an unparished local authority area, so that there is no immediately adjoining parish council within the same local authority area, a parish council that borders the local authority could nominate an asset.

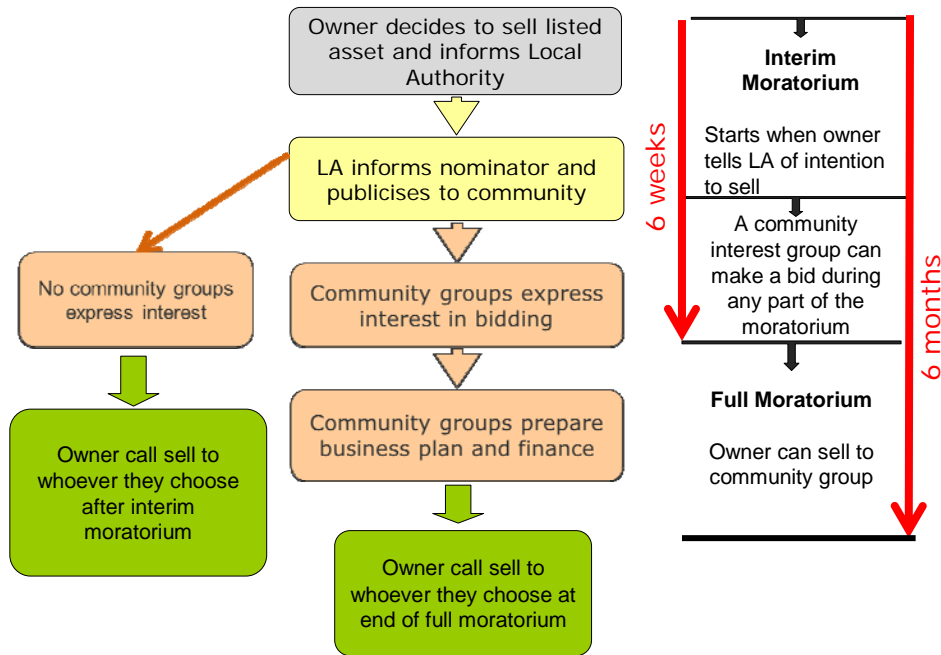
- 2.6 The local authority will then have 8 weeks to make a judgement about whether the asset meets the definition set out in section 88 of the Act or whether it falls into one of the excluded categories, including residential property, set out in Schedule 1 to the Regulations.
- 2.7 If the nominated asset is properly nominated, is in the local authority's area, meets the definition, and is not excluded, the local authority must list it and inform all specified parties (including the parish council). They must also place the asset on the local land charges register and, if the land is registered, apply for a restriction on the Land Register in Form QQ (for details see below under Enforcement).
- 2.8 If the owner objects to their property being placed on the List, they will have a right to an internal review by the council of the decision to list. The details of this process are set out below. If the owner remains in disagreement with the listing after the internal review they have a right of appeal to an independent Tribunal.
- 2.9 If the local authority do not agree that the asset nominated meets the section 88 definition, or it is in one of the excluded categories, they must place it on a list of assets nominated but not listed. If an owner is successful in their appeal against listing at internal review or Tribunal stage then the asset must also be moved to the list of unsuccessful nominations. It is for the local authority to decide how long they hold unsuccessful nominations on this list. The intention of this is to ensure transparency and to avoid multiple nomination of an asset that does not meet the definition.



Moratorium

- 2.10 Once an asset has been listed nothing further will happen unless and until the owner decides to dispose of it, either through a freehold sale, or the grant or assignment of a qualifying lease (i.e. originally granted for at least twenty-five years).
- 2.11 Unless an exemption applies, the owner will only be able to dispose of the asset after a specified window has expired.
- 2.12 The first part of this window is a 6 week interim period, which will apply in all cases, from the point the owner notifies the local authority. This will allow community interest groups to make a written request to be treated as a potential bidder. If none do so in this period, the owner is free to sell their asset at the end of the 6 weeks.
- 2.13 If a community interest group as defined in regulation 12 of the Regulations (referring to the bodies in paragraph (1) (d) to (g) of regulation 5) does make a request during this interim period, then the full 6 month moratorium (again from the point the owner notifies the local authority) will operate. During this period the owner may continue to market and negotiate sales, but may not exchange contracts (or enter into a binding contract to do so later). There is one exception. The owner may sell to a community interest group during the moratorium period.
- 2.14 After the moratorium period – either the 6 weeks if there has been no community interest, or the full 6 months – the owner is free to sell to **whomever they choose and at whatever price**, and no further moratorium will apply for the remainder of a protected period lasting 18 months (running from the same start date of when the owner notified the local authority of wishing to sell). The process and lengths of the moratorium periods are contained in section 95 of the Act².

² <http://www.legislation.gov.uk/ukpga/2011/20/section/95/enacted>



2.15 Not all proposed sales have to be notified to the local authority however. A range of disposals will be exempted from the provisions. A number are set out in section 95(5) of the Act, and others are in the Regulations. The full list of exemptions is given in Annex A.

Compensation

2.16 The scheme recognises that these provisions may have some financial impact on owners and provides a compensation scheme for private property owners. This will not be available to public bodies. The local authority will be responsible for administering the compensation scheme, including assessing and determining compensation awards. Owners and former owners will have rights of review and appeal regarding the authority's compensation decisions (see Section 10).

Enforcement

2.17 The scheme provides for various mechanisms to encourage compliance by requiring local authorities to:

- Inform owners and other interested parties that an asset has been listed
- enter on the local land charges register the fact that an asset has been listed; and

- in the case of registered land, apply for a restriction on the Land register.

2.18 Additionally, to give a strong incentive to owners to comply with the scheme, non-compliant sales will be void (ineffective), meaning that the change of ownership has not taken place (regardless of whether it has erroneously been registered on the Land Register - which would have to be rectified once the fact that the sale was void was discovered). However 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.

What the provisions do not do

2.19 These provisions do **not** restrict in any way who the owner of a listed asset can sell their property to, or at what price. They also do **not** confer a right of first refusal to community interest groups (unlike the Scottish scheme).³

2.20 The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.

³ <http://www.scotland.gov.uk/Topics/farmingrural/Rural/rural-land/right-to-buy/Community>

Section 3

List of assets of community value

- 3.1 In addition to the list of assets, local authorities are required to maintain a list of assets nominated unsuccessfully by community nomination. The local authority may remove land from this second list whenever it considers would be appropriate. Local authorities must publish both lists; it is up to them to decide how they publish them, but they must make them available for free inspection by any person and must provide a free copy of either to anyone who asks for it (but are not required to provide more than one free copy of each). The two lists may be combined into one document if the local authority wishes. The list of unsuccessful nominations must include reasons for the land not being listed.
- 3.2 It is up to local authorities to decide on the detailed contents and layout of the lists and when to modify them, except for the following requirements.
- 3.3 Local authorities are required to add to the list of assets, as soon as practicable:
- a) that a notification by the owner of intention to dispose of the land has been received by the local authority and the date this was received
 - b) in all cases under (a), the end dates of the interim and full moratorium periods and the protected period
 - c) where relevant, that the full moratorium has been triggered
 - d) where (c) applies, the identity of the community interest group that triggered the full moratorium
- 3.4 Local authorities are required to remove an asset from the List, as soon as practicable:
- a) after a relevant disposal (other than an exempt disposal)
 - b) when an appeal against a listing has been successful
 - c) when they form the opinion that the land or building is no longer of community value
 - d) or no later than 5 years from the date of entry on the list.

Land which may, and may not, be listed as an asset of community value

3.5 If a local authority receives a valid nomination, it must determine whether the land or building nominated meets the definition of an asset of community value as set out in section 88 of the Act. A building or other land in a local authority's area is land of community value if in the opinion of the authority —

- (a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and;
- (b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

(Section 88(1) Localism Act 2011)

Section 88(2) of the Act extends this definition to land which has furthered the social wellbeing or social interests of the local community in the recent past, and which it is realistic to consider will do so again during the next five years.

3.6 There are some categories of assets that are excluded from listing. The principal one is residential property. This includes gardens, outbuildings and other associated land, including land that it is reasonable to consider as part of the land with the residence where it is separated from it only by a road, railway line, river or canal where they are in the same ownership as the associated residence. Details of this are set out in paragraphs 1 and 2 of Schedule 1 to the Regulations. "The same ownership" includes ownership by different trusts of land settled by the same settlor, as well as literally the same individual owner.

3.7 There is an exception to this general exclusion of residential property from listing. This is where an asset which could otherwise be listed contains integral residential quarters, such as accommodation as part of a pub or a caretaker's flat.

3.8 There are two further categories of assets excluded from listing:

- (a) Land licensed for use as a residential caravan site (and some types of residential caravan site which do not need a licence), in paragraph 3 of Schedule 1 to the Regulations.

(b) Operational land of statutory undertakers as defined in section 263 of the Town and Country Planning Act 1990, in paragraph 4 of Schedule 1 to the Regulations.

Section 4

Who may nominate

4.1 Local authorities cannot list land on their own initiative - it must be nominated. 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).

4.2 The voluntary or community bodies which may make community nominations are set out below:

Parish Councils. This may be for an asset in its own area, or in the neighbouring parish council.

Neighbouring Parish Councils. If the parish council borders an unparished area, then they may nominate an asset within that neighbouring local authority.

Unincorporated groups. Nominations can be accepted from any unincorporated group with membership of at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring local authority. This will for instance enable nomination by a local group formed to try to save an asset, but which has not yet reached the stage of acquiring a formal charitable or corporate structure.

Neighbourhood forums. The procedure for becoming a neighbourhood forum is set out in section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a 'neighbourhood forum'. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation, for example a forum should have an open membership policy and seek to draw its membership from across the neighbourhood area and from different sections of the local community.

Community interest groups with a local connection. These must have one or more of the following structures:

- a) A charity
- b) A community interest company
- c) A company limited by guarantee that is non profit distributing

d) An industrial and provident society that is non-profit distributing (these groups will be renamed as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 when it comes into force)

4.3 In this context, non-profit distributing means that any surplus is not distributed to its members but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area.

Section 5

Contents of a nomination

- 5.1 A nomination must include the following information for the local authority to consider:
 - I. A description of the nominated land including its proposed boundaries. These boundaries do not have to be the same as ownership boundaries, for instance as shown on the Land Registry plan if the land is registered; nor is it necessary for all parts of the nominated site to be in the same ownership.
 - II. Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
 - III. The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
 - IV. The nominator's eligibility to make the nomination.
- 5.2 Local authorities may wish to consider having a named point of contact for community groups to send their nominations to.
- 5.3 Community nominations may be made at any time, including after an asset has been put onto the market. However no restrictions on sale arise from nomination - it is only listing which brings the statutory provisions into play.

Section 6

Procedure when considering listing

- 6.1 The local authority is required to make a decision in response to a nomination within 8 weeks of receiving the nomination.
- 6.2 The local authority must take all practicable steps to inform the following if an asset has been nominated:
- a parish council (if any) in which the land lies (or partly lies),
 - the owner as defined in section 107 of the Localism Act. This definition ensures that only one level of legal proprietary rights will qualify as ownership for the Act. In summary this is the freeholder or, if the asset is leased, the leaseholder with the lease most distant from the freehold which when granted had at least 25 years to run. So if there are a number of leases the leaseholder with a qualifying lease or sub-lease most distant from the freeholder is the owner for the purposes of these provisions.
 - all others with a legal estate, i.e. if the owner is not the freeholder then the holder of the freehold estate, and any other leaseholder apart from the owner; and
 - any lawful occupant (which could include a licensee).
- 6.3 When an asset is added to or removed from the list, the local authority must inform the owner, the occupier of the land if not the owner, and the successful community nominator of the asset. This is set out in section 91(2) of the Localism Act.⁴
- 6.4 Local authorities must also inform any freeholders and leaseholders of the asset who are not the owners, together with the parish council the land lies in (or partly lies in), that an asset has been added to, or removed from, the list. (See regulation 9 of the Regulations)
- 6.5 A local authority which is not able to give notice to any of these people in the usual way – for instance due to lack of names or addresses – can take reasonable alternative steps to bring the notice to a person's attention. This could include, for instance, a notice attached to the property. (See section 91(2) of the Act)

⁴ <http://www.legislation.gov.uk/ukpga/2011/20/section/91/enacted>

Section 7

Procedure to be followed for listing review

- 7.1 If an asset has been included on the List, an owner has the right to request the local authority to review its decision, under section 92 of the Act. The deadline for the owner to request this review is set out in paragraph 1 of Schedule 2 to the Regulations: it is 8 weeks from the date written notice of listing was given (or from the date that alternative steps were completed to bring listing to the owner's attention) or a longer period allowed by the authority in writing. The property will remain listed while the review is carried out.
- 7.2 Basic procedural rules for the review are set out in Schedule 2 to the Regulations. It must be conducted by an officer of appropriate seniority, who did not take part in the decision to list. The owner may appoint a representative and the local authority will be required to provide all relevant documents to the representative.
- 7.3 The owner and/or their representative may make representations to the reviewer orally and/or in writing. The authority must complete their review within 8 weeks, unless a longer period has been agreed in writing.
- 7.4 The owner and authority will bear their own costs of the review.
- 7.5 If the owner is not satisfied with the outcome of the internal review they have the right to appeal to the First-Tier Tribunal against the local authority's review decision. The written response following the internal review should inform the owner of their right to an independent appeal. The owner making the appeal can be either the same owner who requested the review, or - if the property has been sold in the meantime - the new owner.

Section 8

Appeal against a listing review

- 8.1 An owner's appeal against a local authority listing review must be made to the General Regulatory Chamber of the First-Tier Tribunal. The deadline for appealing is specified in the procedural rules of that Chamber as 28 days from the date on which notice of the decision appealed against was sent to the owner. Appeals may be both on points of law and on findings of fact. The property will remain listed during the appeal process.
- 8.2 Owners should send the appeal in writing to the First-Tier Tribunal at:
- Tribunal Clerk,
Community Right to Bid Appeals
HM Courts & Tribunals
First-tier Tribunal (General Regulatory Chamber)
P.O. Box 9300
Leicester, LE1 8DJ
- 8.3 Owners may also send an appeal to the First-Tier Tribunal by email at: GRC.CommunityRights@hmcts.gsi.gov.uk

Section 9

Moratorium

- 9.1 The moratorium requirements, as set out in section 95 of the Act, apply only to relevant disposals. “Relevant disposal” is defined in section 96. It means a transfer of the freehold or grant or assignment of a qualifying lease which gives vacant possession of the buildings and other land in question. However they will not apply to all relevant disposals, as some types of relevant disposal are exempt. These exemptions are partly in the Act and partly in the Regulations; the full combined list is set out in Annex A below. The moratorium provisions apply only to disposals, so for example if a building listed as an asset of community value is to be demolished without being sold, the moratorium rules in section 95 do not apply.
- 9.2 An owner of a listed site may not make a relevant disposal of their asset during the 6 week interim moratorium period (unless it falls within one of the exemptions or is to a community interest group). This interim moratorium runs from the date the local authority receives notification from the owner of their intention to dispose of their listed asset
- 9.3 Once the local authority has been notified of the intent to dispose, they are required to update the list to show the owner’s intention to dispose and to give the interim and full moratorium end dates, and the end date of the protected period. The nominating community group must be informed. The local authority must also publicise all of these matters in the neighbourhood of the asset in question. It is for the local authority to determine how they do this.
- 9.4 During the interim moratorium period a community interest group may request in writing to be treated as a potential bidder for the asset; this will bring the full moratorium period into force. The community interest group does not have to provide any evidence of intention or financial resources to make such a bid. A community interest group must have one or more of the following structures:
- (a) A charity
 - (b) A community interest company
 - (c) A company limited by guarantee that is non profit distributing
 - (d) An industrial and provident society that is non profit distributing
- (these groups will be renamed as community benefit societies by the

Co-operative and Community Benefit Societies and Credit Unions Act 2010 when the relevant provisions come into force)

- 9.5 Once a local community interest group makes a written request to the local authority during the interim moratorium period to be treated as a potential bidder, the owner may not dispose of their asset during the full 6 month moratorium (except as permitted). The local authority must as soon as practicable let the owner know that this request has been received (section 98 of the Act).

- 9.6 There is one type of disposal that may be made during a moratorium. An owner may sell during the interim or full moratorium period to a local community interest group – i.e. one which either did, or would have been eligible to, trigger the full moratorium.

- 9.7 There are a number of types of disposals which are exempt from the moratorium requirements, as set out in section 95(5) of the Act and in Schedule 3 to the Regulations. The full list of exemptions is set out in Annex A.

Section 10

Compensation

- 10.1 Private owners may claim compensation for loss and expense incurred through the asset being listed or previously listed. The Regulations specifically provide that this will include a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period; or for legal expenses incurred in a successful appeal to the Tribunal.
- 10.2 The time limit for making a compensation claim is specified in Schedule 2 to the Regulations as whichever is earlier of 13 weeks from the end of the interim or full moratorium period (as appropriate) or from the date when the land ceases to be listed. The assumption is that most claims for compensation will arise from a moratorium period being applied; however the wording allows for claims for loss or expense arising simply as a result of the land being listed.
- 10.3 Claims must be made in writing, state the amount of compensation sought and provide supporting evidence. The burden of proving the claim falls on the owner.
- 10.4 The local authority must consider the claim and is required to give written reasons for its decision. No time limit is specified for responding to the claim. The reason for this is that it may take the authority some time to assemble all the necessary evidence; however once it has all the facts the authority should reach a decision as quickly as is practicable.
- 10.5 The compensation scheme does not extend to public authorities and bodies. These are defined as:
- Government departments, authorities and other bodies to which section 6 of the National Audit Act 1983 applies;
 - 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,
 - local authorities and other public authorities and bodies that are required to be audited under section 2 of the Audit Commission Act 1998

10.6 As with other costs incurred by local authorities in meeting the requirements placed on them, we have reflected the estimated costs of compensation within the new burdens funding. The compensation elements of new burdens funding are estimated on the basis of 40 successful claims for compensation across all administering local authorities over a year.

10.7 In addition to the amount included within the new burdens assessment, the Government will meet costs of compensation payments of over £20k of compensation costs in a financial year. This could occur through a local authority paying out over £20k in one financial year either on one large claim or as a combined total on a number of smaller claims.

10.8 Local authorities can write into the department with a request for financial support providing evidence of the compensation costs incurred either in writing to:

Albert Joyce,
Community Assets Team,
5/A4 Eland House,
Bressenden Place
London
SW1E 5DU

or by email at: righttobid@communities.gsi.gov.uk

10.9 New Burdens payments will be processed and made available to all administering local authorities in England (as set in section 106 of the Localism Act) on 15 October. We will write to local authority finance officers to inform them about the payment. The department will also notify local authorities in the same way for the periods April 2013 and April 2014.

Section 11

Internal review of compensation decision

- 11.1 The Regulations provide that an owner who is not satisfied with the local authority's response to the compensation claim may request a review by the local authority of its compensation decisions. Schedule 2 to the Regulations provides that the owner must make the request within a period of 8 weeks, beginning on the date on which the local authority provides the owner with written notification of the decision. The local authority may allow longer for a review request to be made.
- 11.2 The local authority must review their decision, and notify the owner of the result within 8 weeks of receiving the request, with reasons. The procedure for the review, in Schedule 2 to the Regulations, is the same as for the local authority's review of a listing decision.

Independent Appeal

- 11.3 An owner may appeal to a Tribunal against the local authority's review decisions on compensation. As with listing appeals, the deadline for the appeal is in the Tribunal Rules – 28 days from receiving the local authority's decision on the compensation review. Only the owner – or former owner – who requested the review may appeal against the review decision (i.e. unlike with listing appeals, a new owner who bought the land following a request for a review may not appeal against the compensation review decision).
- 11.4 As with listing appeals, the current position is that the appeal will be to the General Regulatory Chamber of the First-tier Tribunal.

Section 12

Enforcement

- 12.1 The Regulations introduce a clear penalty for non compliance, and measures to minimise the chance of a disposal not being compliant with the scheme. These will be achieved partly by amendment to the Land Registration Rules 2003.
- 12.2 Local authorities are required to add that an asset has been listed to the local land charges register. This will ensure that all prospective new owners will be aware that an asset has been listed, since local land charges apply to both registered and unregistered land.
- 12.3 Local authorities are required to notify the owner that their asset has been listed and inform them of the implications. Owners are required to inform local authorities that the land has been entered on the Land Register as a result of an application for first registration, and also to inform the local authority if they have become the new owner of listed land (together with giving their name and address details) .
- 12.4 Amendments to the Land Registration Rules 2003 have been made to add further safeguards against non-compliance. Local authorities are required to apply to the Land Registry for entry of a restriction on the Land Register when they list a building or other land as an Asset of Community Value, or, if necessary, where the owner of the listed asset has changed. This restriction will be in a form of wording newly added to Schedule 4 to the Rules, as Form QQ. This is “No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011“. An owner of previously unregistered listed land, who applies to the Land Registry for first registration (or a mortgagee who applies for first registration on behalf of the owner), is required at the same time to apply for a restriction against their own title. The local authority is also required to apply to the Land Registry for cancellation of the restriction when it removes an asset from its list.
- 12.5 When a listed asset is disposed of, and a new owner applies to the Land Registry to register a change of ownership of a listed asset, they will therefore need to provide the Land Registry with a certificate from a conveyancer that the disposal (and any previous disposals if this is the first registration) did not contravene section 95(1) of the Localism Act (the moratorium requirements).

Annex A

Exemptions

With regard to the following exemptions (with the exception of the first), the local authority will usually not know that the disposal is taking place, because an owner who is confident that the transfer they contemplate will be exempt will not need to notify the authority of intention to sell under section 95(2) of the Act. In some cases an owner may not be sure whether they are going to succeed in making an exempt disposal or not – for instance if they wish to sell the land together with a business sold as a going concern – and may notify the authority as a precaution. In that situation, if they were successful in arranging an exempt disposal, they could enter into a binding contract during the moratorium period. There is no requirement in the legislation that in such circumstances the owner has to explain to the local authority that the disposal is exempt. However it would be helpful for them to do so, and authorities might want to include advice to this effect in any explanation they send to owners about how the moratorium rules work.

The full list of exemptions is as follows. The first is in a different category to the remainder, in that the moratorium rules will have been triggered by notification from the owner, but the sale will be able to take place during the moratorium. Categories (b) to (j) are in section 95(5) of the Act, and (k) to (y) are in Schedule 3 to the Regulations. Item (f) – part-listed land – is partly defined in the Act, and partly in the Regulations.

- a. disposal to a local community interest group, which can be made during a moratorium period (interim or full) – see regulation 13(1)
- b. disposals which are gifts (including transfer for no payment to trustees by way of settlement upon trusts)
- c. disposals by personal representatives in accordance with the will of the deceased owner or under intestacy rules
- d. disposal by personal representatives of the deceased owner in order to raise money for matters connected with administration of the estate
- e. 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)
- f. part-listed land – i.e. sale of a site only part of which has been listed – where it meets the requirements set out in the Regulations (see concluding paragraph for details)

- g. 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)
- h. disposals occasioned by somebody becoming or ceasing to be a trustee
- i. disposal by trustees in connection with the trust, as specified
- j. a disposal occasioned by a person becoming or ceasing to be a partner in a partnership
- k. transfers made in pursuance of a court order
- l. 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
- m. 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
- n. 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)
- o. 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”:
<http://www.communities.gov.uk/documents/planningandbuilding/pdf/1918885.pdf>
- p. sale by a lender under a power of sale (i.e. where the land was security for a loan)
- q. 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
- r. 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)

- s. the grant of a agricultural tenancy to a successor on the death or retirement of the current tenant pursuant to Part 4 of the Agricultural Holdings Act 1986
- t. 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)
- u. disposals of part-listed land – this is the second part of the definition, the other part being in the Act – section 95(5)(e)⁵. See final paragraph below for details.
- v. 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.
- w. 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)
- x. a disposal of land to be held for the purpose of a school (excluding independent schools), further education institution or 16 to 19 Academy
- y. 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.

Details regarding part-listed land and land with a residence

Similar rules apply for determining how much land constitutes land with a residence (for exclusion from listing in Schedule 1 to the Regulations) and how much land constitutes a single site for qualifying as a part-listed site (as an exempt disposal in Schedule 3 to the Regulations). In order to ensure that the same rules apply to registered and unregistered land, the approach taken has not been based on title. Instead, it is necessary to look at whether the site in question is one coherent parcel of land all owned by a single owner, so

⁵ the disposal is a part-listed disposal of a description specified in regulations made by the appropriate authority, and for this purpose “part-listed disposal” means a disposal of an estate in land –

- (1) part of which is land included in a local authority’s list of assets of community value, and
- (2) part of which is land not included in any local authority’s list of assets of community value.

that it is possible to reach one part from another without crossing land owned by somebody else. However there are two qualifications to be taken into account:

- Firstly, “a single owner” has an expanded meaning covering more than simply the same person or joint owners. It includes also trustees of different trusts of land which was settled by the same settlor – see definition of “single owner” in regulation 1.
- Secondly, where it would otherwise be reasonable to regard the land as one coherent parcel, the fact that it is crossed by a road, railway, canal or river in other ownership is to be ignored.

Annex B

Glossary

<i>Asset</i>	A building or other land
<i>The Community Right to Bid</i>	The name by which the Assets of Community Value scheme is commonly known.
<i>Land of community value</i>	Building or other land whose main (i.e. “non-ancillary”) use furthers the social wellbeing or social interests of the local community, or has recently done so, and is likely to do so in the future. See section 88 of the Act.
<i>List of assets of community value</i>	A list maintained by a local authority of land in its area of community value. See section 87 of the Act.
<i>Voluntary or community body</i>	A group which can nominate land, so long as it has a local connection with the land. See regulation 5.
<i>Local connection</i>	The requirement that a group’s activities and use of any profits (where relevant) must be concerned with the local authority area or a neighbouring authority area. In the case of a parish council, the requirement is that it must share a border with the relevant area in which the asset lies. See regulation 4.
<i>Relevant disposal</i>	The transfer of the freehold, or the grant or assignment of a lease originally granted for at least 25 years, giving vacant possession to the new owner. See section 96 of the Act.

Exempt disposal

A relevant disposal for which the land owner does not have to observe section 95(1) of the Act. There are two sorts of exempt disposal:

- one where the owner does notify the local authority of intention to sell, so that the moratorium applies, but can sell during the moratorium to a community interest group;
- fully exempt disposals where the owner can simply go ahead without notifying the local authority at all. These are set out in section 95(5) of the Act and Schedule 3 to the Regulations.

Moratorium period

A period of time during which the owner of listed land cannot make a non-exempt relevant disposal, other than to a voluntary or community body. There are two moratorium periods (see section 95(6) of the Act), both running from the same start date (when the owner notifies the local authority of an intention to sell):

- the interim moratorium - 6 weeks;
- the full moratorium - 6 months.

Protected period

A period of 18 months (running from the date the owner notified the local authority of an intention to sell). Once any moratorium period has finished, the same owner can sell during the remainder of the protected period without having to comply with the section 95 requirements again.

Listing review

A review by a local authority at the request of the owner of their decision to list a building or other land as an asset of community value. See section 92 of the Act, and for procedure on the review Schedule 2 to the Regulations.

<i>Compensation review</i>	A review by a local authority at the request of the owner of their decision in response to a claim for compensation for loss or expense caused by listing their building or other land as an asset of community value. See section 99 of the Act, regulation 16, and for procedure on the review Schedule 2 to the Regulations.
<i>Conveyancer</i>	The owner of listed, or formerly listed, land will in some circumstances have to provide a certificate by a conveyancer that a disposal has not contravened section 95(1) of the Act. "Conveyancer" in this context has the meaning given in rule 217A of the Land Registration Rules 2003, including a solicitor, a barrister, and a licensed conveyancer.
<i>The Act</i>	The Localism Act 2011
<i>Community interest group</i>	<p>A group which, for land with which it has a local connection, may –</p> <ul style="list-style-type: none"> ○ ask to be treated as a potential bidder for listed land which the owner wishes to sell, thus triggering the full moratorium of 6 months ○ buy listed land during the moratorium period ○ nominate land for listing (since the requirements for a voluntary or community body include the requirements for a community interest group). <p>It must be a charity or community interest company, or a non-profit distributing industrial and provident society or company limited by guarantee.</p> <p>See sections 89 and 95, and regulations 5 and 12.</p>
<i>Nomination</i>	A request to the relevant local authority that land be entered on its list of assets of community value, containing the information specified in regulation 6. See also section 89 of the Act.

(Note that although the Act allows for a possible distinction between community nominations and other nominations, the regulations provide only for community nominations – therefore all nominations will be community nominations.)

Local authority

In England, a district council, county council for an area with no district councils, London borough council, the Common Council of the City of London, or the Council of the Isles of Scilly. See section 106 of the Act.

Restriction on the Land Register

An entry on the register preventing dealing with the land until the requisite condition has been complied with – in this case set out in Form QQ to be added to Schedule 4 to the Land Registration Rules 2003:

No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011.

Ineffective transfer of land

A purported disposal of land which in fact does not have any effect – ownership of the land remains with the original owner.

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My Community

Community Right to Bid

Understanding the Community Right to Bid



Understanding the Community Right to Bid

The Community Right to Bid (Assets of Community Value in legislation) is one of a raft of new initiatives introduced in the Localism Act 2011, and comes into force when it has completed its final Parliamentary stage in Autumn 2012.

The Community Right to Bid allows communities and parish councils to nominate buildings or land for listing by the local authority as an asset of community value. An asset can be listed if its principal use furthers (or has recently furthered) their community's social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future. When a listed asset comes to be sold, a moratorium on the sale (of up to six months) may be invoked, providing local community groups with a better chance to raise finance, develop a business and to make a bid to buy the asset on the open market.

Background

The Localism Act

The Localism Act 2011 includes new freedoms and flexibilities for local government. It also introduces new rights and powers for individuals and communities to take over public services, community assets and influence planning and development. This includes the Community Right to Bid. The other main new rights are Community Right to Challenge and Community Right to Build.

The other Community Rights

Community Right to Build

Community Right to Build is a new power that gives local organisations the right to bring forward small-scale community-led

developments. The new right forms part of the Neighbourhood Planning provisions in the Localism Act that give parish councils, or neighbourhood forums the right to develop plans for their area. Development proposals in neighbourhood plans, and Community Right to Build will need to be agreed through an independent examination, and have the agreement of 50% of people who vote through a community referendum. Local Authorities have a duty to assist and advise community organisations, which are also free to involve partners such as developers or housing associations.

Community Right to Challenge

Community Right to Challenge is the right for community organisations to say that they are interested in running a particular public service and potentially get the chance to bid to do this. If a community group, charity, parish council or group of public sector staff identifies a service they would like to run then they can submit an expression of interest to the authority. If accepted this will trigger a procurement exercise. The interested group will then most likely need to compete with others in a competitive tendering process.

Community Asset Transfer

Community Asset Transfer is the transfer of management and/or ownership of land or buildings from a public body to a community-based organisation, at less than market value, in order to promote social, economic or environmental well-being.

The Community Right to Bid is sometimes confused with Community Asset Transfer. Although they share some of the same objectives, these are substantively different

mechanisms that communities can use to acquire land and buildings. The crucial differences are:

- Community Asset Transfer is the transfer of ownership or management of publicly owned assets, whereas the Community Right to Bid applies to some public and some privately owned assets.
- Community Asset Transfer is the transfer of management or ownership at less than market value. Community Right to Bid gives a window of opportunity for a community group to compete to buy an asset on the open market.
- Community Asset Transfer is a voluntary process entered into proactively by public bodies. The Community Right to Bid is a pre-emptive legal right pertaining to communities.

How the Community Right to Bid will work

The Legislation

How the Community Right to Bid works is set out in the Localism Act and Regulations:

With the Community Right to Bid, Local Authorities must keep a 'List of Assets of Community Value'; the legislation sets out in detail the process they must enter into and what information they must include.

The legislation also outlines the definition of an asset of community value, what groups can legitimately nominate, the appeals process for land owners, timescales for groups interested in buying land or property on the list, and compensation available to the owners of land or property on the list.

What is an Asset of Community Value?

A building or other land is an asset of community value if its main use has recently been or is presently used to further

the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that "social interests" include cultural, recreational and sporting interests.

The regulations list a number of situations where land or buildings are exempted from inclusion on the list or operation of the moratorium. These include homes, hotels, assets being transferred between kindred businesses, and Church of England land holdings.

Who can nominate Assets of Community Value

A number of community organisations can nominate land and buildings for inclusion on the list: parish councils, neighbourhood forums (as defined in Neighbourhood Planning regulations), unconstituted community groups of at least 21 members, not-for-private-profit organisations (e.g. charities).

Community organisations also have to have a local connection, which means their activities are wholly or partly concerned with the area, or with a neighbouring authority's area.

Decisions and appeals

If a community organisation nominates land or buildings that meet the definition of an Asset of Community Value, and the nomination process was undertaken correctly (i.e. came from a group entitled to nominate), then the Local Authority must include the asset on its list. Assets will remain on the list for at least 5 years.

If the council decides that the nomination doesn't meet the criteria, then they must write to the group who nominated the asset and provide an explanation. They must also keep a list of unsuccessful nominations for at least 5 years.

Landowners can ask local authorities to review the inclusion of an asset on the list, and this triggers an appeal to an independent body, called a First Tier Tribunal.

Moratorium Periods

The Community Right to Bid does not give the right of first refusal to community organisations to buy an asset that they successfully nominate for inclusion on the local authority's list. What it does do is give time for them to put together the funding necessary to bid to buy the asset on the open market.

If an owner wants to sell property/land that is on the list, they must tell the local authority. If the nominating body is keen to develop a bid, they can then call for the local authority to trigger a moratorium period, during which time the owner cannot proceed to sell the asset.

There are two moratorium periods. Both start from the date the owner of the asset tells the local authority of their intention to sell. The first is the interim moratorium period, which is 6 weeks, during which time a community organisation can decide if they want to be considered as a potential bidder. The other is a full moratorium period, which is six months, during which a community organisation can develop a proposal and raise the money required to bid to buy the asset.

The regulations list some situations where the Moratorium will not be applied, even when it is an Asset of Community Value on the list. These exceptions include the sale of assets from one partner or another (for example in a divorce).

Funding

In August 2012, the government announced grant funding which community organisations can apply for in order to make use of the Community Right to Bid or Community Asset Transfer. The Social Investment Business is managing the £16 million grants programme 'Community Ownership and Management of Assets' on behalf of the Department for Communities and Local Government.

Glossary

- Assets of Community Value – building or land used to further the social wellbeing in particular, though not exclusively, the cultural, recreational or sporting interests of the local community
- Community organisation – parish council, charity, community group, neighbourhood forum, not-for-profit company
- Disposal of land/property – sale
- First Tier Tribunal – independent body to decide on appeals by owners against assets being listed, and against decisions on compensation
- Local connection – the connection that community organisations have with the area that the asset in question is in
- Moratorium period – periods during which a sale cannot go through, which community organisations can consider if they are a potential bidder, and if so, time to raise the money to buy
- Not-for-profit company – companies whose activities benefit the community and who reinvest surplus made from trading back into the community (often called Social Enterprises or Community Interest Companies)