

ASSETS OF COMMUNITY VALUE – Guidance Notes for the Nomination Form



Introduction

Thank you for your interest in nominating an Asset of Community Value. This document has been prepared to provide you with guidance on filling in the Asset of Community Value Nomination Form. It also provides a brief overview of the ACV process and the implications of ACV status.

Please do read these guidance notes carefully, and ensure questions in the Nomination Form are answered correctly and fully with appropriate supporting evidence. Should you have any queries about the Asset of Community Value (ACV) process, the questionnaire and/or your proposed nomination, please do contact the Council on 0208-379-1000 asking for Strategic Property Services or email acv@enfield.gov.uk

About Assets of Community Value

The community right to bid (Assets of Community Value) is part of the Localism Act 2011 which came into force on 19th September 2012.

Across the Borough there are buildings, land and amenities that communities may consider are an essential part of their community lifestyle. These facilities can be a shop, a pub a community centre or a library for instance and do not need to be in public ownership. The closure or sale of these places may be considered to create a potentially lasting detrimental effect to the local communities.

Under the Localism Act, eligible organisations, such as voluntary and community organisations with a local connection, can nominate an asset to be included on a list of 'assets of community value'.

The Council will manage the lists of successful and unsuccessful nominations and ensure that both lists are published on the website and available on request.

You may nominate assets by completing an online form or a downloadable form. Hard copies are available on request.

Eligibility of Nominating Organisation

Only voluntary and community organisations with a local connection and parish councils in England will have the right to make community nominations of assets to be included on the list. A 'local voluntary and community body' is defined as a body, other than a public or local authority, which may be incorporated or unincorporated, must not be run primarily for profit, and must have a primary purpose concerned with the local authority area, or the neighbourhood in which the asset is situated where this is in more than one authority's area.

In practical terms, this means your organisation must be one of the following:

- a) A body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990;

- 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 (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
- g) A community interest company

Demonstrating a Local Connection

You will need to provide evidence that your organisation has a connection to Enfield. This means 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) 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

About the Asset

A building or other land should be considered an asset 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; and
- b) That use is not an ancillary one (that is it must be the primary use); 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 in community use in the recent past it is realistic to think that there will be community use within the next 5 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 e.g. residential premises and land held with them.

Steps following Submission

After receiving your application, your application 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.

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.

Resubmission within 5 years of having made a nomination for the same asset will not be permitted. You should therefore ensure that your application is thorough and complete on its first submission. However, if after of having submitted an application, new evidence come to light that may support your application, please ensure that this new, additional information is submitted within four weeks of having submitted your original application. Supplemental information received after this date (i.e. four weeks after your original submission date) will not be considered. In such circumstances, it may be advisable to withdraw your nomination prior to a decision being made and resubmitting a fresh application.

Successful nominations will be placed on the 'List of successful ACV nominations' and unsuccessful nominations will be placed on the 'Unsuccessful list of ACV nominations'. Nominations will remain on either list for a period of 5 years.

Disposal of an Asset of Community Value

Should the leaseholder/freeholder decide to dispose the asset (and this qualifies as a disposal as defined in the Act), s/he will be required to notify the Council. This will trigger a moratorium period (a standstill period) during which time the leaseholder/freeholder cannot sell/lease the asset. The Council will notify the Nominating Organisation of the landowner's/leaseholder's intention to sell/lease the asset. The moratorium period is designed to give the nominating organisation and other organisations an opportunity to prepare and submit a bid for the asset. Legislation does not compel the leaseholder/freeholder to sell the asset to any particular person/organisation.

Guidance on the Nomination Form

This section of the Guidance Note provides useful information about each question in the Nomination Form. Where appropriate it provides guidance on the type of evidence that could be included to help evidence your claim.

Q1 Name of Nominating Group

- ❖ The formal name of the nominating group.

Q1 (a) Contact Details

- ❖ This must include the name, position within the organisation and email address of the person responsible for managing the nomination and to whom correspondence will be addressed.
- ❖ Providing accurate details is important as this will allow the Council to contact you should the Council have any further queries, and if your nomination is successful contact you in the future should the landowner/freeholder decide to dispose the asset. It is the responsibility of the nominating group to immediately inform the Council in writing of any changes in the name of the representative or contact details. The Council will not be responsible for the consequence of any changes in the representative or correspondence address that it is not told about.

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

The legislation requires eligible organisations that can nominate a property as an asset of community value to be:

- ❖ A neighbouring forum

- ❖ A parish council
- ❖ An unincorporated body with at least 21 members and unable to distribute surplus
- ❖ A charity
- ❖ A company limited by guarantee
- ❖ An industrial and provident society
- ❖ A community interest company

Please state which one of these your organisation is. If you are not one of the above, then you are not eligible to nominate.

Please provide evidence that your organisation is one of the above, by including for example, your organisation's charity number, registration number and certificate of corporation.

If you are an unincorporated body, please provide name and address of 21 members that are on the Enfield Electoral Register. We will require these 21 members to self-certify that they have checked the Enfield Electoral Register and sign a declaratory statement that this has been done and that they are on the Enfield Electoral Register. Any false declaration will render the Nomination ineligible and the Council reserves the right to take further action against these individuals and the nominating body.

Q1 (c) More about your Organisation

- ❖ The aims of your Organisation (i.e. what is the purpose of the Organisation)
- ❖ What the Organisation entails
- ❖ Activities of your Organisation

You may include your Articles of Association, Business Plan and Statement of Intent. The purpose of this section is to inform the Council your group's local community connection.

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

In this section, you will need to demonstrate the following:

- ❖ The body's activities are wholly or partly concerned with the local or neighbouring authority's area
- ❖ Surpluses are partly or wholly applied by the body for the benefit of the local or neighbouring authority's area.

Q2 Address and description of nominated property

Please provide the following information:

- ❖ A location plan
- ❖ An Ordnance Survey/Land Registry map clearly outlining the boundary of the property
- ❖ A layout plan of the asset identifying which rooms or pars of the property you considered to be of community value. You will need to be clear about assets that form just part of an address. For example, you might be interested in one floor of a large building which might be leased on a term

- of 25 years or more. In such cases it will be important to describe exactly the part of the address that your group is interested in.
- ❖ Describe the boundary in words
 - ❖ Provide physical address of the proposed nominated property
 - ❖ Attach photographs of the property
 - ❖ Briefly describe the property (i.e. current appearance, use and surrounding environment)

Q3

Ownership information on the proposed Asset of Community Value

Please include the following information:

- ❖ Names of current occupier
- ❖ Names of current/last known address of all those with a Freehold or leasehold interest in the land

Please also include a Registered Copy of Title, which can be obtained from Land Registry.

Q4

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

In this section, please tick which category the property is under. Where the property is not currently in use for the proposed use please describe:

- ❖ When in the recent past it was used
- ❖ What was the use

Q5

Reasons for nominating the asset

In this section you will need to describe how the property furthers the social well-being or social interest of the local community, which explains why the property is an ACV.

- ❖ What the asset is used for and how this benefits the local community
- ❖ Is the asset and use of asset known to the wider community
- ❖ Is the asset easily accessible by the community
- ❖ If applicable, the role of the community in the management of the asset (i.e. volunteers, managers)
- ❖ The range of activities/events held at the property or facilitated from the property
- ❖ The efficient use of the land/building/property by the community
- ❖ The impact on the community should the use terminate

Please further illustrate why you believe the asset promotes social interest or welfare of the community. Here, you may wish to describe and evidence:

- ❖ How many people use the asset
- ❖ Illustrate/evidence of the collaboration and interaction that the asset brings to the community (i.e. social media and its content, social/charitable events)
- ❖ Is the asset inclusive of people from all backgrounds (i.e. does it benefit and is it used by all groups, the impacts on different groups in the community etc.)
- ❖ Illustrate the impact of the health and wellbeing of the community and environment
- ❖ Illustrate how the asset supports community solidarity and pride
- ❖ How the use of the property promotes equality throughout

Please note that an ACV is about the community use of the property and not about the property's fabric or physical merits (i.e. architectural merit of a building).

Please also consider providing any other reason/evidence why you view the asset to be of community value (for example leaflets of community events held, testimonials from the chairperson of the organisation/s using the asset, letters of support from groups or persons that previously used the asset, newspaper cuttings about the asset and activities, event timetables and adverts etc). Providing such additional information will strengthen your case.

We would also recommend that you include details of use/occupation levels and demographic information about the users.

If not currently used, please ensure information provided pertains to its use within the previous 5 years. Community uses dating further back and which are historical, while of benefit in demonstrating activity community use, may be given lesser credence. However, in this instance it will be important to focus on the groups it is proposed will benefit should the use come back into operation.

Q6

Demonstrate how the use is likely to continue

If the property were to be listed as an asset of community value, please state how this use will continue for the benefit of the community. Also, if your group was able to purchase the asset what would be its importance to the community, how would it be used, what groups (e.g. young people, unemployed people, people with disabilities etc.) within the community would benefit, who would own the title, how would any profit from the asset be used, how would it be run and maintained.

In answering this question, you may wish to give further thought to and provide evidence:

- ❖ Future prospects of the community use and its positive aspects to the wellbeing of the community
- ❖ Evidence that the main use will remain as a benefit to the community should the planning use change
- ❖ The need and provision for this asset in the community
- ❖ Current provisions of the same use/asset in the local area (i.e. name of asset and reasons why it is in/sufficient)

Q7

List of documents/evidence attached

Please list all supporting documents/evidence to your nomination in this section and remember to include this in your submission.

Finally, please note that the space provided in the Nomination Form is indicative only and that the response boxes auto-expand if more information is provided. We do however suggest that the Nomination Form should not be longer than 12 pages.