

# Guidance note for groups interested in nominating assets of community value

This guidance note is designed to help anyone interested in nominating an asset in the administrative area of Guildford Borough Council to complete the Assets of Community Value Nomination Form.

## Section 1: About you and your organisation

In this section you need to provide some basic details about yourself as the contact person representing your organisation. We will use this information to contact you directly if we have any questions about your nomination, and to send you the decision as to whether your nomination is accepted or rejected.

### Organisation Type

Only certain organisations are eligible to nominate Assets of Community Value. You need to provide evidence of this in your application. Groups who can nominate Assets of Community Value are as follows:

- 1) **Parish Councils**
- 2) **Neighbouring Parish Councils:** If a Parish Council borders an un-parished area, then they may nominate an asset within that neighbouring area.
- 3) **'Unincorporated Groups':** Nominations can be accepted from any unincorporated group with a membership of at least 21 local people who appear on the electoral roll, within the local or neighbouring local authority. This will allow nominations by local groups formed to try and save an asset, but who have not reached the stage of attaining charitable or corporate status.
- 4) **Neighbourhood Forums:** Neighbourhood Forums must meet the requirements of section 61 F of the Town and Country Planning Act 1990 added by the Localism Act 2011. There can only be one neighbourhood forum in an area, and a neighbourhood area must be designated before or at the same time as the neighbourhood forum. Neighbourhood forums cannot be designated in areas that have a parish council. Neighbourhood forums and areas are designated by the Council. For more information about neighbourhood forums, see the Council's [neighbourhood planning information](#).
- 5) **Community Interest Groups with a Local Connection:** These must have one or more of the following structures:
  - (i) A charity
  - (ii) A community Interest company
  - (iii) A company limited by guarantee that does not distribute its profits to members
  - (iv) An industrial or 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

## **Supporting Evidence**

In addition to your registered charity number or company number (where applicable), please attach other applicable evidence of your organisation's status such as Articles of Association and registration numbers. This may include a copy of the group constitution, or in the case of a neighbourhood forum, please provide evidence that you meet the requirements of the relevant legislation governing the creation of such groups.

If you are an unincorporated 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 borough or a neighbouring authority (these include Waverley Borough Council, Woking Borough Council, Mole Valley District Council, Surrey Heath Borough Council, Elmbridge Borough Council and Rushmoor Borough Council).

## **Section 2: About your local connection**

Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Guildford Borough Council or a neighbouring local authority. In many cases this may be obvious (e.g. a Parish Council, or an organisation whose activities are confined to the administrative area of Guildford Borough Council), but in other cases the connection may be less apparent, and you will need to explain what your organisation's local connection is.

## **Section 3: about the asset you are nominating**

### **Asset Details**

In this section, you need to provide us with as much information as you can about the asset that you wish to nominate. Without this information we may have to delay consideration of the nomination until we have received all the necessary facts. The Council needs to know exactly where the asset is. If your nomination is successful it will be placed on the Local Land Charges register and a restriction entered at the Land Registry. Without accurate information, the Council will not be able to carry out this process. Please provide:

- the full address of the asset, including a postcode.
- the name and a description of the asset
- an accurate map clearly showing the location and boundaries of the asset using an Ordnance Survey or other scaled plan printed off with the appropriate red edging carefully drawn onto it.

Other documents or photographs may also be of assistance to us in identifying the asset and supporting your nomination.

### **Landowner Details**

Please also provide as much information as you can about the names and addresses of the owner of the site, together with any occupants. Guildford Borough Council is required to inform the owner of the land, any freeholders, leaseholders and the current occupants of the land about your nomination, including whether or not it is successful. If you hold any Land Registry details regarding your nomination, copies of this information would be of particular assistance to the Council in processing your nomination.

## **Section 4: reason(s) for your nomination**

### **Reasons for your nomination**

For a nomination to be successful, it must meet certain legal criteria which are set out in more detail at page 4 of the nomination application. Your application must outline why you consider that your proposal meets these criteria.

### **Definition of Community Assets**

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 Localism 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.

The definition of 'social interests' includes:

- (a) cultural interests
- (b) recreational interests
- (c) sporting interests

Examples of possible community assets include village shops, pubs, community centres, children's centres, allotments and libraries. However, there are also a number of exemptions to what can be defined as an asset of community value. These include residential properties and any associated gardens, outbuildings and other land (although an asset which could otherwise be listed (e.g. a pub) which contains integral residential quarters can still be listed). Land licenced for use as a residential caravan site and the operational property of statutory undertakers is also exempt from listing.

## **Section 5: Declaration**

All boxes in section five must be completed in order for the Council to process your application.

## **What happens next?**

After receiving your application we will make a decision as to whether your nomination can be listed as an Asset of Community Value within 8 weeks (subject to a fully completed nomination form being received). If we have any questions or queries about your nomination we may need to contact you in this period.

Once the Council has made a decision, we will write to you to let you know of our decision. The decision will be notified to the nominator and the land owner within seven days of the decision being taken.

The Council must publish both successful and unsuccessful nominations for free inspection. The list will be available on the Council's website.

Landowners of assets successfully nominated will be required to inform the council of any intention to dispose of (sell) their property. Nominating organisations will be notified of such intent and given six weeks to register an interest in acquiring the asset. The landowner will be unable to sell the asset within six months of notifying the council of their intent to sell unless the nominating organisation does not register an interest in acquiring the property within the first six weeks. If an expression of interest to acquire the listed asset has not been received by the council after the initial six week period, the landowner will be free to dispose of their asset immediately.

# Appendix 1: Procedure for Nominating an Asset of Community Value

In response to the Assets of Community General Regulations 2012 Guildford Borough Council will follow the procedure outlined below to consider whether to include a nominated asset on the published **List of Local Assets of Community Value**.

Procedure the Council will follow:

1. The Council (Strategic Planning Service) receives application based on the information required (see below)
2. Validation checks will be undertaken.
3. The Council (Strategic Planning Service) will take all practicable steps to notify the owner and any lawful occupier of the application
4. The Council (Strategic Planning Service) will be open to receive representations from the relevant stakeholders by a specified date (21 days)
5. Application will be determined within 8 weeks of receiving the nomination by the Director of Governance
6. If listed: details will be added to the List; written notice given to owner, occupier and nominator and the right to an internal review explained
7. A restriction against the registered title (if registered) and as a local land charge will be registered.
8. If not listed: written reasons will be provided to the nominator to explain the decision and details of the application added to the List of Unsuccessful Community Nominations.

<b>Application Information required for nomination of an Asset of Community Value</b>	
Evidence to be supplied	
Identity of the nominated land including proposed boundaries (See para 6 of Regulations) e.g. wish to include the car park area next to a building)	An accurate Ordnance Survey map of the nominated land including its proposed boundaries
All the information the nominator has on: * Names of occupiers * Names and address of all with freehold or leasehold interest in the land ( or last known address)	The names of 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
Current or recent non-ancillary use of the land and or buildings	Numbers of people making use of the facility History of use

A statement with reasons why the nominator concludes that the land is of community value addressing the tests in the Regulations	(See Table of Examples below)
Name of the Nominator	
Address of the Nominator	
Explanation of why the nominator is entitled to make the nomination (see categories in the Regulations)	Articles of Association Constitutions Terms of Reference Governance documents
What your local connection to the nominated asset is (local connection is defined in detail in para 4 of the Regulations)	Maps documents

### **Examples of reasons for listing**

<b>Examples</b>
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 practice
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