

## **Guidance for completing the Asset of Community Value Nomination Form**

The following guidance related to the [Assets of Community value nomination form](#).

### **GENERAL**

Your nomination must include the following information for Derby City Council to consider:

- 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. This will be requested in Part 1 of the form
- Any information the nominator has about the freeholders, leaseholders and current occupants of the site. This will be requested in Part 1 of the form
- The nominator's eligibility to make the nomination. This will be requested in Part 3 of the form
- The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act. This will be requested in Part 4 of the form

### **PART 1 – About the Property to be Nominated**

It is critical that Derby City Council are able to identify the property the nomination relates to. If it can't be identified then this may result in delays to your nomination being considered.

Please provide as much detail as you can about the property with the full address including post code. Please check with the Land Registry to see if the property is registered (link to Land Registry <http://www.landregistry.gov.uk/> or contact 0844 892 1111 or write to:

Land Registry, Nottingham Office  
Castle Wharf House,  
2 Canal Street  
Nottingham  
NG1 7AU.

Please note there may be a charge for this service.

If the property is Registered with the Land Registry please insert the Registered Title Number in the appropriate box

If you have a plan of the property please open the e-mail link at the end of the form and attach the plan. This will help us to identify the extent of the property nominated

## **PART 2 – About the group making the Nomination**

Please provide as much information as you can in respect of your organisation and the relevant contacts.

## **PART 3 – More information about the organisation**

The voluntary or community bodies which may make community nominations are set out below. Please ensure that your organisation fits the criteria detailed below, otherwise your nomination may not be accepted:

**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)

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. Supporting information in respect of the eligibility of the group to name a nomination, such as your membership articles or Constitution can be added via the e-mail link at the end of the form.

If you are an unincorporated group you will need to provide the full details as requested on the form of the 21 qualifying local people, these details will need to be verified by the Council.

#### **Part 4 – Your Nomination**

Please consider the definition of an Asset of Community Value set out below and provide as much information as possible to describe why you feel the property you are nominating is an Asset of Community Value.

The definition of an Asset of Community Value as set out in section 88 of the Localism Act 2011. 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(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.

Please note there are some categories of property which cannot be listed as an Asset of Community Value, principal amongst these are most residential properties.

#### **What Happens Next?**

If there are queries in respect of the nomination then the Council will come back to you to address these issues. Once a valid nomination has been accepted the Council will write to formally specifying the next steps.

In summary these are:

- The Council will verify and consider your nomination and provide a decision to you up to 8 weeks after the nomination has been received.

- If the decision is to accept the nomination then the property becomes an Asset of Community Value and will be entered on to the list of Assets of Community Value where it will remain for a period of five years. Please be advised that the owner has the right to ask for the Council's decision to be reviewed.
- The property will be entered onto the Local Land Charges Register as being an Asset of Community Value and where a property is registered with the Land Registry it will have a charge noted on the Title.
- If the decision is not to list the property as an Asset of Community Value then it will be entered on the List of Assets Nominated Unsuccessfully by Community Nomination.

For further information on Assets of Community Value please refer to the [Derby City Council Right to Bid Webpage](#).