

GUIDANCE NOTES

Guidance notes for voluntary and community groups interested in nominating assets of community value

These guidance notes are provided to help you complete your Community Right to Bid nomination form.

The guidance is set out question-by-question for ease of use.

Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Q1 Your organisation

Enter the name and address of your organisation in this section.

Q2 Type of organisation

Only **voluntary and community organisations** with a **local connection**, in addition to parish councils in England (and community councils in Wales) will have the right to make community nominations of assets to be included on the list. Unfortunately any nomination received from any other body will not be accepted.

- a) Parish/Town Council
- b) Neighbourhood Forum – designated as pursuant to section 61F of the Town & Country Planning Act 1990
- c) Industrial & Provident Society which does not distribute any surplus it makes to its members
- d) Company Limited by Guarantee which does not distribute any surplus it makes to its members
- e) Unconstituted/unincorporated Community Group whose members include at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring authority.
- f) Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004
- g) Charity - If you are a charitable organisation or company you must provide your charity number.

We need to understand how your organisation is set up to see if your organisation is eligible to nominate.

- (a) A parish council;
- (b) 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 body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990;
- (c) 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
- (d) A company limited by guarantee which does not distribute any surplus it makes to its members;

Q2 Type of organisation

(e) An unincorporated body –

- (i) Whose members include at least 21 individuals, and
- (ii) Which does not distribute any surplus it makes to its members;

(f) A community interest company

(g) A charity;

Local connection

Please provide evidence that your organisation has a connection to the Three Rivers District. 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 –

- with the local authority's area or
- with a neighbouring authority's area;

(b) 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

(c) 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.

You can include further evidence as part of your submission in the attachment section of the form. We would like to see documentary evidence of your organisation's status.

Q3 Who to contact about the nomination

Contact details

The contact name must be the same as the person signing the declaration overleaf. Ideally, this will be a member of the management team (chairperson, secretary or treasurer).

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?

Enter the full name and postal and address of the property you wish to nominate.

Owner It is very important that you include the details of the owner of the freehold interest in the property as the Council will need to contact the owner to inform them of the nomination and allow them to comment.

Current occupier The current occupier may not be the same as the property owner so it is important we advise all affected should the property be registered. You should therefore provide details of all tenants/occupants at the property.

It is particularly important that this question is completed as correctly and accurately as possible as this could delay the assessment of your nomination.

Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

Q5 Why do you feel the property is an asset of community value?

In here you need to put why you feel the property currently boosts the social interest and social wellbeing of the local community or if it had in the past why it is realistic to think that it could in the future.

Definition of an asset of community value

A building or land is deemed to be of community value if, in the opinion of the council:

- 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
- that use is not an ancillary one; and
- 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
- it does not fall within one of the exemptions e.g. residential premises and land held with them.

Social interests include (a) cultural interests; (b) recreational interests; (c) sporting interests.

Social well-being relates to social interaction and engagement. It is a sense of involvement with other people and their communities

Q6 What do you consider to be the boundary of the property?

We need to know the extent of the property you are nominating; this may include the car park area as an example. However, it should be noted that any area which is in the ownership of a statutory undertaker (i.e. electricity substation) cannot be registered.

Please provide a copy of the land registry records for the property (title and plan) or a copy of the deeds.

Checklist

What is a constitution?

A constitution sets out what the main aims of the organisation are and how the group will be governed. It details the structure of the group and how members will work together to achieve its aims (including how the management team are elected and how new members can join the group). It should detail the frequency and level of meetings i.e. every quarter and a yearly AGM and how finances will be dealt with. Examples of a constitution can be searched on the internet.

What Happens next?

After receiving your application, we will make a decision on whether to accept your nomination within 8 weeks, using the criteria set out in the Localism Act 2011.

We will contact you 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.