



ASSETS OF COMMUNITY VALUE: NOMINATION GUIDANCE

The Community Right to Bid (Assets of Community Value) is part of the Localism Act 2011 which came into force in September 2012.

Under the Localism Act local voluntary and community organisations can nominate a building or other land to be included on a list of 'Assets of Community Value'.

Hillingdon Council will manage the lists of any successful and unsuccessful nominations.

Both lists are published on our website www.hillingdon.gov.uk and available on request from jwheatley@hillingdon.gov.uk.

Once an asset is included on Hillingdon's list of Assets of Community Value, the owner cannot sell it without letting the local authority know.

When a listed asset is to be sold, community groups are given 6 weeks to decide if they want to make a bid to buy the property. If they do, then there will be a 6 month 'moratorium' period during which the owner cannot sell the asset. It is important to note that the owner does not have to sell the asset to the community group, but may sell to any buyer at any price.

Completing the Nomination Form

PART 1: ABOUT YOU

The contact person representing the applicant organisation should complete this section. This information will be used to contact you directly if there are any questions relating to your nomination and to notify you whether your nomination is accepted or rejected. Please confirm that you have been nominated to represent this organisation.

PART 2: ABOUT YOUR ORGANISATION

Voluntary and community organisations with a local connection have the right to make community nominations of assets to be included on the list. 'Local connection' means members who are on the electoral roll in the London Borough of Hillingdon or who live in a neighbouring borough - i.e. with a shared border with Hillingdon.

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

When completing the nomination form please include any written evidence of the status of the organisation (e.g. terms of reference; charity no; memorandum and articles; constitution; as appropriate to the type of group).

1. An Unincorporated Body

An unincorporated group with a membership of at least 21 local people who appear on the electoral roll within the local authority and which does not distribute any surplus it makes to its members. Please include a list of the names and addresses of at least 21 members who appear on the electoral register within the London Borough of Hillingdon, or on the electoral register in a neighbouring borough (i.e. one that shares a border with Hillingdon. Members of your group should give their consent to the inspection of the full register.

2. A Neighbourhood Forum

A body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There are currently no such bodies in the London Borough of Hillingdon.

3. A Parish Council or Neighbouring Parish Councils.

There are currently no such bodies in the London Borough of Hillingdon.

4. A Charity

5. A Company Limited by Guarantee

A company limited by guarantee which does not distribute any surplus it makes to its members.

6. An Industrial or Provident Society

An Industrial or Provident Society which does not distribute any surplus it makes to its members

7. A Community Interest Company

A company which satisfies the requirements of Part 2 of the Companies Audit, Investigations and Community Enterprise Act 2004.

PART 3: LOCAL CONNECTION

Your organisation must have a local connection to the nominated asset. The definition of local connection is defined in paragraph 4 of "The Assets of Community Value (England) Regulations 2012.

Basically your group's activities and use of any profits must be concerned with the local authority area or a neighbouring authority area. Documentary evidence of your organisation's local connection should be provided.

PART 4: ABOUT THE ASSET

The definition of an Asset of Community Value is set out in Section 88 of the Localism Act 2011:

Land or a building is of community value if, in the opinion of the local authority, either:

1. The main use of the land or building furthers the social well being or social interests of the local community and it is realistic to think that the main use can continue to be such a use; or
2. The land or building has been used to further the social wellbeing or social interests of the local community in the recent past and it is realistic to consider will do so again during the next five years.

In order for the local authority to form an opinion about whether it is realistic to think that there is a time in the next five years that the asset could be used to further the social wellbeing or social interests of the local community, the nominating group is asked to outline its proposals to bring the asset back into community use.

There are some categories of assets that are excluded from listing:

- Residential property
- Land licensed for use as a residential caravan site (and some types of residential caravan sites which do not need a licence)
- Operational land of "statutory undertakers" (e.g. railways, canals, airports).

WHAT HAPPENS NEXT?

Please ensure that you have completed all sections in the nomination form, providing as much detail as possible and that you include any Land Registry documents, photos, maps, plans or other documents relevant to your application.

Please sign and date the nomination form.

Once we receive your nomination form, we will check that the form is complete and that your group is eligible to nominate. If so, we will make a decision within 8 weeks of receiving the nomination. If information is missing, the necessary documentation is

not attached or further information is required, the applicant will be contacted and asked to resubmit the form with the information needed to determine the nomination.

The owner of the asset and anyone with a freehold or leasehold interest in the land will be notified about the nomination.

Owners have the right to appeal against the listing. Owners can ask the Council to review any decision to list their property. There is also a right of appeal to the First Tier Tribunal at HM Courts and Tribunals.

Further information on the Assets of Community Value process is available at www.gov.uk

London Borough of Hillingdon