

Assets of Community Value (ACV)

Nomination form guidance notes

There are five sections in the nomination form and the following guidance notes will highlight important points to remember when completing the form.

Section 1 – About you

Section 2 – About the organisation making the nomination

Section 3 – About the nominated asset

Section 4 – Evidence to support your nomination

Section 5 – Final Checklist

When you submit your nomination, the council will

- check that you have provided all the information and *evidence as requested in the nomination form (you will be asked to upload your evidence at the end of each section in the nomination form)
- establish if the land or building(s) are eligible to be nominated – see Section 3
- establish if you and your organisation are eligible to make a nomination – see Section 1 & 2
- consider if the nominated building and land satisfies EITHER the present future test in s88 (1) of the Act OR the past future test in s88 (2) of the Act - See section 4
- inform you of our listing decision within eight weeks

*The council may verify the evidence you have submitted but it will not undertake its own investigation to collect evidence - the success of your nomination is therefore dependent on the information and evidence you submit to support your nomination.

*Please note: The council reserves the right to reject nominations, where:

- Due to the number of nominations already rejected, there is a perception that it is unlikely enough 'New evidence' could be provided to meet the requirements of the Act, and/or
- The council perceive the repeat nomination is vexatious

Present and future test / past and future test explained

The council is obliged to list if the land in question satisfies EITHER the present and future test in s88 (1) of the Act OR the past and future test in s88(2) of the Act – see Section 4

Decision Maker should consider and produce reasons for the decision broken down into the tests set out above as it applies to the nominated asset.

If the primary CURRENT use of the nominated asset furthers the social wellbeing or interests of the local community and it is realistic to think that it could continue to do so in the future, whether or not in the same way – this is considered the present and future test.

OR

If there was a time in the RECENT PAST when the primary use of the nominated asset furthered the social wellbeing or interests of the local community, and it is realistic to think that it could continue to do so in the future, whether or not in the same way – this is considered the past and future test.

Please note: The legislation has left it to each local authority to decide what qualifies as ‘recent past’ since ‘recent’ might be viewed differently in different circumstances. E.g. ‘recent’ might be taken as a longer period for instance for land which was formerly used by the public until the MoD took it over for live ammunition practice, than for a derelict building. Ten or even twenty years might be considered recent for the former but not for the latter.

What happens after receipt of your nomination form?

- You will receive an immediate electronic confirmation of receipt after submitting your form.
- Upon receipt of a nomination form officers carry out initial checks to determine if the nomination is valid. We will check to see if the Title Plan and Title Register for the freehold and leasehold (less than one month old) has been received and that land and boundaries has been sufficiently described in Section 3. If the council do not think the land can be identified, then the form will be returned to the nominating party and they will be asked to re-submit.
- Following satisfactory initial checks, we will inform all interested parties of the nomination e.g. the owner, occupier, town and parish council (if not the nominator) and ward councillors.
- Officers will assess if the nominated building and land satisfies EITHER the present future test in s88 (1) of the Act OR the past future test in s88 (2) of the Act. Please see the Localism act definitions in section four.
- If your ACV fails to satisfy the ‘present’ test in s88(1a) or ‘past’ test in s88(2a) the ACV assessment process will cease and your application will not be assessed against 88(1) b) or 88(2) b) the ‘future’ test criteria. Failure to meet the present/past will result in an ACV decision – not to list. We will make this decision within eight weeks of receiving a valid nomination. You will then be invited to submit a further nomination, with NEW evidence.
- If your application satisfies the ‘present’ test in s88(1)a) or ‘past’ test in s88(2)a) we will assess the nomination against 88(1) b) or 88(2) b) the ‘future’ test criteria, and make a decision within eight weeks to list the nominated asset if it meets the definition of an ACV.

We will inform all interested parties of our decision in writing and add the nominated asset to the list of successful or unsuccessful ACVs and publish this list on the council website.

For more information about Assets of Community Value, please visit

www.southoxon.gov.uk / www.whitehorsedc.gov.uk

You can also contact the Community Enablement Team:

communityenablement@southandvale.gov.uk

Section 1: About you

Your contact details will be used for future correspondence regarding asset listing or asset sale. It is therefore essential that you, the nominator, notify the council of any changes in contact details during the period of the listing.



Please attach evidence that you have been authorised by your community group to make this nomination on their behalf, e.g. copy of meeting minutes

When you attach this evidence, name it “**Authorisation to nominate – Organisation name**”

Section 2: About the organisation making the nomination

Information in this section will help us establish whether your community group is eligible to make a nomination. The Regulations require nominating groups to meet the following criteria:

- must not be run primarily for profit,
- surplus funds must be used to benefit the locality,
- the community group must have a genuine local connection to the nominated building and/or land

This does not apply to town or parish councils making an ACV nomination.

Only the following community groups are eligible to make a nomination:

- a parish or town council
- a neighbourhood forum
- an unincorporated body (a group of people) - with at least 21 members who are registered to vote in South Oxfordshire, Vale of White Horse and/or neighbouring local authorities
- a charity
- a company limited by guarantee
- a community interest company (former industrial and provident society)

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To help us clarify your eligibility as a community group, and how your group meets the criteria mentioned in the Regulations, please attach evidence of your group's status such as:

- Memorandum of Association
- Articles of Association
- Companies House return
- Trust Deed
- Constitution/Terms of Reference
- Standing Orders
- Interest Statement for Community Interest Company
- If you are an unincorporated body, you must provide evidence that your group has 21 members who are registered to vote locally and who support the nomination. There is a template form provided with the online nomination form – once all your members have signed this form, please attach it with your nomination form

NOTE: when you attach this evidence, name it

“Governing document – Organisation name”

Section 3: About the nominated asset

Information in this section will provide the council with specific details on the building or land you wish to nominate:

- name and address of the building or land
- a detailed and accurate description of the land or building(s) you are nominating
- name and address of the current occupiers and all those holding a freehold or leasehold - the council will write to current occupiers and all those holding a freehold or leasehold to inform them of your nomination and the listing decision.

The following examples provide an indication of the types of assets which may be defined as having community value:

- **Education, health and wellbeing or community safety** - nurseries and schools, children's centres, health centres, surgeries and hospitals, day care centres, residential care homes
- **Sport, recreation and culture** - parks and open green spaces, sports and leisure centres, libraries, theatres, museums or heritage sites, cinemas, swimming pools/lidos
- **Community services** - community centres, youth centres, public toilets
- **Local democracy** - town, civic and guild halls
- **Any economic use which also provides an important local social benefit which would no longer be easily available if that service should cease** - village shops, pubs, markets

The building or land you are nominating

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- may be of any size
- may be owned by anybody, including the local authority, the Crown, businesses and private individuals
- may be divided between different owners or different local authority areas
- may or may not consist of registered land (i.e. land entered on the register maintained by the Land Registry).

Asset Ownership

To help you identify the owner of the building or land, you can visit the following website:

www.gov.uk/get-information-about-property-and-land

There are two types of ownership: freehold, leasehold.

- the freeholder of a building or land owns it outright
- the leaseholder of building or land owns it for the length of their lease agreement with the freeholder, when the lease ends, ownership returns to the freeholder, unless they can extend the lease

You will be asked to provide the contact details for both the freehold and the leasehold where applicable.

Asset Description

It is very important you give a clear and accurate description of the building or land you are nominating - if you don't tell us, we won't know. For example, if you are nominating a public house, is it just the building you are nominating, or is there also a car park or outbuilding which you wish to include? Examples A and B below offer illustrative examples of a clear and accurate asset description (A) and an example of an insufficient asset description (B).

Example A: 'The nomination is a public house with a beer garden. The site sits along two roads XXX road and XXX road. The public house building is shown in the 'Title Register and Title Plan' as A. The beer garden is marked B on the 'Title Register and Title Plan'. This application seeks to nominate building A (public house) and B (the beer garden) as an ACV. The visual locations for both A and B are provided as photographs marked as A and B. The other building on the plan (marked C) on the 'Title Register and Title Plan is a shed and is not included in this ACV nomination. The boundary, marked in red, denotes the exact boundaries for the public house and beer garden.'

Example B: 'The nomination is for a public house and land'.

- Please describe where the boundaries lie and remember to indicate this on the map you are providing.
- If there are particular features or building(s) you wish to nominate that are unclear, or cannot be easily identified from the title plan, please provide an annotated plan to identify the land/building the ACV nomination refers to, and where exactly located on the site. In addition, include photographs to assist in making these features identifiable and ensure you give an accurate and clear description of the features/building(s).

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- Please identify any land / buildings/features included in the boundary (red edge), that is not included in the asset nomination. Make sure you also provide an accurate and detailed description of the buildings/land not included in the nomination and the approximate location of any building(s) on the land.
- Make sure you mention any roads bordering the site.



Evidence

Evidence for registered land: please attach copies (less than one month old) of the Title Plan and Title Register for the freehold and leasehold - you can order these documents from the Land Registry website (please note there is a small fee for this service): **have you included ALL title and register land that you seek nomination of**

www.gov.uk/search-property-information-land-registry

- the Title Register will provide the names and addresses of the freeholder and leaseholder
- the Title Plan will provide the asset boundaries – nominated land can be smaller or larger and could include land owned by someone else. You will need to make sure the description you provide of the nominated building or land matches the boundaries shown in red on the Title Plan. If the building or land you are nominating differs from the Title Plan boundaries, please draw your own boundaries to fit your description.

NOTE: when you attach this evidence, name it

“Title Plan – Asset name”

“Title Register – Asset Name”



Evidence

Evidence for unregistered land: ownership detail (freehold and leasehold) for unregistered land will be harder to find, you will have to do some detective work in the surrounding area and make enquiries to determine who the building and land belongs to. You could:

- ask the Parish Council
- ask neighbours or adjoining landowners if they know who the owner(s) might be;
- ask residents who may have ‘local knowledge’;
- ask in the local pub, post office or shop;
- check adjoining registered properties for clues, they may refer to a deed or document which affected not only that registered title but also ‘other land’. The other land may have included the unregistered part and the deed/document will refer to the parties to the deed, which may give a clue as to the owner on a specific date

To show the boundaries of nominated building or land that is **unregistered**, the council will accept one of the following:

- a drawing or sketch map with boundaries clearly marked in red – websites which might help you in plotting boundaries include <http://maps.google.co.uk>
- a Site Location Map or OS map or GIS map with boundaries clearly marked in red - for GIS maps, please visit:
South Oxfordshire: <http://maps.southoxon.gov.uk/gis/>
Vale of White Horse: <http://maps.whitehorsedc.gov.uk/gis/>

NOTE: when you attach this evidence, name it

“Map of Asset name”

Section 4: Evidence to support your nomination

Please note;

- **The council will only accept supporting evidence submitted by the nominating group.**
- **The council will not accept any supporting evidence by the nominating group prior to an ACV nomination being submitted.**
- **The council will not accept any additional supporting evidence from the nominating group after an ACV nomination has been submitted.**
- **The council strongly advises the nominating group to ensure all supporting evidence is complete and submitted at the point of submitting the ACV nomination.**

Information in this section will clarify

- the primary use of the nominated asset - whether it is current or in the recent past;
- why you believe the nominated asset furthers the social wellbeing and social interests of your community; and
- why it is realistic to think that now or in the next five years there could continue to be a primary use of the asset which will further the social wellbeing and social interests of your community

For the council to list a nominated asset, it must pass the following two tests:

- the present and future test in s88 (1) of the Act OR
- the past and future test in s88 (2) of the Act

Section 88 of the Localism act states the following:

(1) For the purposes of this Chapter but subject to regulations under subsection (3), 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.

(2) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority's area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local authority—

(a) there is a time in the **recent past** when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and

(b) it is **realistic to think that there is a time in the next five years** when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

'Social Interests' defined within the Localism Act are cultural, recreational or sporting activities.

'Social wellbeing' is not defined in the Localism Act. We are defining it as '*social interaction and engagement - a sense of involvement with other people and the local community*'. The benefit must be for the community and not individuals.

Robust supporting evidence

We have learnt a great deal from owners appointing legal firms to challenge our listing decisions in the past, and having robust evidence is a clear requirement. For the council to consider ACV nominations, we need to see strong evidence to support claims of social and community value whether the asset is currently open to the public or was open to the public in the recent past. Unsupported statements or generalisations (e.g. 'a lot of people use the centre', or 'the pub serves good food') is not considered strong evidence.

Be specific with the information you provide e.g. 'the centre has been used 15 times in the past year by a karate club, 23 times by a bingo group, 12 children's parties have taken place and 124 local people are paid up members of the bar'. Where possible provide exact dates. If that is not possible, provide the days of the week/month/year to give a flavour that an event has taken place on a Wednesday every week since 2003, or once a month on a Friday since 2007. If you think the pub serves good food, has it won awards? Does the pub have excellent reviews on reputable online review sites?

If you are providing evidence relating to an asset that is currently closed. Ensure the evidence you provide is up to the time of closure.

Repeat nominations

If you are submitting a repeat nomination, ensure you are very clear which evidence is **NEW** to address any issues raised in your previous unsuccessful application, to support your claims of social and community value. We cannot look for previous evidence submitted; each nomination must be a complete application.

New nominations following the end of a 5-year listing

If you are submitting a nomination following the end of a 5-year listing period. Please treat this as a fresh application. Past listings will not guarantee future listings. We have learnt a great deal from

case law and owners appointing legal firms to challenge our listing decisions in the past, and having robust evidence is a clear requirement.

Evidence regarding future use

The purpose of ACV legislation is to provide a tool to help communities looking to take over and run local assets. There needs to be a realistic plan for future management of a nominated asset and not just the intention to pause the sale of this asset in the future.

The council must consider it realistic to think that the nominated building or land could continue to further the social wellbeing or interests of the local community in the future. Future use does not have to be the same as past use but if you are proposing a different use, you must explain why the building or land is suitable for this use.

You must explain what the future use might be. We do not require a business plan but you need to be able to show that you have considered what the asset could be used for, how this might be managed and whether it is financially viable (particularly if there are renovation or improvement works to consider).

You need to demonstrate there is good reason to think people will use the asset in the future. You may not be the group which would seek to buy the asset should it come up for sale in the future. If you are, please check to make sure your governing document allows you to do so. If not, please say which group will seek to acquire the asset.

Potential loss of the asset

Make sure you mention the impact of potential loss of the asset in your community. Are there other similar assets available in your community? If not, then you should mention it in this section.



Evidence You may not be able to substantiate everything with solid evidence, but here are some examples of the kind of supporting evidence you could provide:

- supporting statements from the organisers of the groups, events or parties
- a copy of the booking's diary or dates of when all mentioned activities took place
- testimonials from people who used to attend, or currently attend activities
- testimonials from people who attended events and parties
- a list of members of different groups using the facilities and supporting statements

NOTE: when you attach this evidence, name it

“Evidence A – supporting statement from XXX”

“Evidence B – copy of booking diary”

“Evidence C – testimonial from XXX”



Section 5: Final Checklist

Use the final checklist to ensure you have provided all the requested information and evidence.

Failure to provide requested information and evidence will result in the nomination being treated as unsuccessful and added to the list of unsuccessful ACV nominations.
