



Application to Nominate an Asset of Community Value

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If you wish to nominate an asset of community value for listing you will need to complete this application form. The responses to the questions in your application will enable the Council to reach a decision about your nomination. In the event that the information you supply is insufficient to make a decision, your application will be rejected.

Before completing this application **please read** the frequently asked questions section attached as an appendix. The explanations in that section will help you to better understand whether the asset you propose to nominate meets with the definition of an 'asset of community value'. They also provide additional information about your rights to nominate and bid for assets as well as the rights of asset owners.

Your completed application should be emailed to:

community.assets@lewisham.gov.uk

Alternatively you can send your completed application to:

Assets of Community Value
Legal Services
5th Floor
Laurence House
Catford
SE6 4RU

For information, the table below summarises the 'assets of community value' nominating and bidding process in four simple stages.

Stage one: Identify an asset for nomination

If an eligible community or voluntary group thinks that a local asset meets the definition of an 'asset of community value' they can fill in an application form and ask the Council to list the property as an 'asset of community value'. If the nomination meets the relevant criteria and is approved by the Council, the asset will be included on the list. A list will also be compiled for any unsuccessful nominations that do not meet the criteria.

Stage 2: The owner wants to sell their asset

If the owner wants to sell their asset they must notify the Council, which will then notify the community group that nominated the asset and publicise the proposed sale to the wider community. If within six weeks of informing the Council of their intention to sell their asset an eligible community interest group does not come forward, the owner is free to sell their asset for a period of eighteen months from the date that they notified the Council of their intention to sell the asset.

Step 3: A designated community group wants to bid for the asset

If an eligible community interest group *does* express an interest in bidding for the asset, this group or groups will be granted extra time to prepare a business plan and gather the finance needed to purchase the asset. All in all, the time-frame for groups to put together their bids is six months starting from the time the asset owner informs the Council of their intention to sell the asset.

Step 4: The point at which the asset is to be sold

The six month window of opportunity is only for eligible community interest groups to put their business plans together and gather necessary funding. Once the six month window has expired, the asset owner is free to sell their property to who they want. They are under no obligation to sell the asset to any eligible community interest group or groups who bid to purchase the asset.

Nomination Form

1. In this section, please describe the building or land you wish to nominate including its proposed boundaries. Please include a copy of the title deeds to show the boundary of the land you are nominating or a picture with a clear depiction of the area of land you are nominating.
2. In this section, please provide all the information you have with regard to the names of current occupants of the building or land and the names and current or last known addresses of all those holding a freehold or leasehold estate in the land.
3. In this section, please explain why you think that the Council should conclude that the building or land is of community value. Please continue on separate sheets if required. Please ensure you provide evidence that the asset's current use does further the social wellbeing or social interests of the local community and that there can continue to be a main use of the asset which will further the social wellbeing or social interests of the local community. Where possible please provide as much evidence as possible of community support for the current and future use.
4. In this section please provide evidence that your organisation is eligible to make a community nomination.

Your Details

Your Organisation	
Contact Name	
Position Held	
Address	

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Postcode	
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Telephone	
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Email	
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Appendix: Frequently Asked Questions

What is the definition of an asset of community value?

The legislation provides that an asset satisfies the definition of an asset of community value if:

- the local authority decides that the actual main, current use of the building or land is to further the social wellbeing or social interests of the local community and it is realistic to think that there can continue to be a main use of the building or land which will further the social wellbeing or social interests of the local community; or
- in the opinion of the local authority there is a time in the recent past when the actual and main use of the building or land furthered the social well being or social interests of the local community and, it is realistic to think that there is a time in the next five years when there could be a main use of the building or land that would further the social wellbeing or social interests of the local community.

“Social interests” includes (in particular) cultural, recreational and sporting interests.

Who can nominate an asset of community value?

The legislation sets out that the following bodies can nominate an asset of community value for listing:

- a charity
- an unincorporated body whose members include at least 21 individuals and which does not distribute any surplus it makes to its members
- a body designated as a neighbourhood forum
- a company limited by guarantee which does not distribute any surplus it makes to its members
- an industrial and provident society which does not distribute any surplus it makes to its members
- a community interest company
- a parish council

To make a nomination, does a nominating body have to have any local connection to the area?

Yes it does. Organisations whose activities are wholly or partly concerned with the local authority’s area or with a neighbouring authority’s area can make a nomination. Certain other organisations can also nominate if any surplus they make is wholly or partly used for the benefit of the local authority’s area or for the benefit of a neighbouring authority’s area.

If my group nominates a community asset for listing will it also be able to bid for the asset if the owner decides to sell the asset?

The legislation sets out that only community interest groups can bid for assets. These are a charity, a company limited by guarantee which does not distribute any surplus to its members, an industrial and provident society which does not distribute any surplus to its members or a community interest company, in each case having a local connection to the building or land; or a parish council.

Who makes the decision on whether or not a nomination has been successful?

Decisions as to whether or not a nomination has been successful are made by the local authority. In making its decision the local authority must comply with the legislation.

How long will the decision take and how will I find out what it is?

The local authority is required to make its decision within 8 weeks of receiving a nomination. The local authority will notify the owner and occupants of the asset that it is considering a nomination. If the local authority decides to list the asset, it will notify the owner, occupant and the community nominee. If the nomination is unsuccessful, the local authority will give the community nominee written reasons for its decision not to list.

Is there a right of appeal against a listing?

Yes there is. At the time when the local authority makes its decision it will take into consideration all relevant and available information. However, if after the decision has been taken to list an asset, the asset owner contacts the local authority within 8 weeks (or such longer period as the local authority may allow) asking for the decision to be reviewed, the local authority is obliged to carry out an internal review of its decision. This will generally be at an oral hearing which will be heard by a senior officer of the local authority who took no part in the original decision. If following that review (which must be completed within 8 weeks unless the parties agree otherwise) the local authority decides that the asset does not fit the criteria of an asset of community value, the asset will be removed from the list. If the local authority decides not to remove the asset from the list, the owner has a further right of appeal to an external Tribunal.

Once the local authority agrees to list an asset what happens next?

If the local authority agrees to list an asset, it will then be included on the local authority's register of assets of community value. This register includes details of all successful nominations; the description of the asset; who nominated the asset and the date when the asset was nominated. Members of the public will be able to view the list on the Council's website. It will also be available for free inspection at Community Services, Laurence House, Catford and one free copy of the list will be provided on request.

What happens if my nomination has been unsuccessful?

As well as a list of successful nominations, the local authority is obliged to maintain a list of unsuccessful nominations. This list will include a summary of the asset that was nominated; the asset owner; the nominating group and the reason for the decision not to nominate the asset. Members of the public will be able to view the list on the Council's website. It will also be available for free inspection at Community Services, Town Hall, Catford and one free copy of the list will be provided on request.

What sorts of buildings are exempt from listing as assets of community value?

The legislation sets out that there are some assets that are exempt from listing. These are:

- a private residence and land connected with that residence
- statutory undertakers' land
- caravan sites

If an asset is listed, how long does the listing last for?

The asset will remain on the list for 5 years, after which it will be removed. However, it can then be re-nominated to go back on the list. An asset can also be removed if, at any time, the local authority no longer considers it to be of community value. Notice of removal is required to be given to the owner, occupant and the community nominee who originally nominated the asset to go on the list.

How do I find out when an owner of a listed asset is proposing to dispose of it?

If the owner of an asset which has been included on the Council's Register of Assets of Community Value wants to enter into a "relevant disposal" of their property they must notify the Council in writing first. The Council is then required to publicise the proposed disposal of the asset and notify the community group that originally nominated the asset for listing of the proposed disposal. There is then an initial moratorium period of 6 weeks during which an eligible community interest group may make a request to be treated as a potential bidder.

If such a request is made, there is then a full moratorium period of 6 months to give the community interest group an opportunity to prepare a bid. During that 6 month period, the owner may sell to an eligible community interest group but no one else. At the end of the 6 month period, the owner is not obliged to accept a bid from a community interest group and can sell to whoever they choose until a further 12 month period expires. However, if no sale takes place during that 12 month period and the owner subsequently wishes to enter into a relevant disposal, the above process must be repeated.

What is the Council's role once an asset has been listed?

The Council will ensure that the relevant provisions of the Localism Act are followed whenever it is notified of a proposal to make a relevant disposal of any asset which has been listed on the Council's Register of Assets of Community Value. However, a relevant disposal is defined in the Localism Act as meaning either the sale of the freehold or the grant of a new lease of more than 25 years. The grant of a lease for less than 25 years would not be a relevant disposal for the purposes of the Act and therefore falls outside of the above provisions. The Council has no discretion over this. It should also be noted that these provisions only apply to a disposal of a listed asset, not a change of use which is a planning matter.

For more information about the Localism Act 2011 and Assets of Community Value visit the government legislation website:

- [Localism Act 2011](#)
- [Assets of Community Value Statutory Regulations](#)