

Assets of Community Value – Nomination Form [please read the Notes in the Annex before completing this form]

PART A: ABOUT THE COMMUNITY ORGANISATION MAKING THE NOMINATION

Organisation name		
Organisation/head office address including post code		
Registration number if a company, charity, community interest company, industrial provident society		
Organisation type – NB: Assets cannot be nominated by individuals		Tick as appropriate
Parish Council		
Body designated as a neighbourhood forum under the Town and Country Planning Act 1990 and the Neighbourhood Planning (General) Regulations 2012		
Unincorporated bodies with at least 21 individual members and which does not distribute any surplus it makes to its members		
A charity - if not a registered charity, please attach evidence of your organisation's status, such as Articles of Association		
A company limited by guarantee that is non profit distributing		
Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004)		
Industrial Provident Society that is non profit distributing (Industrial and Provident Societies Act 1965)		
Other – please detail		

Please provide a copy of the following as relevant to your organisation type	Tick as appropriate
Memorandum of Association	
Articles of Association	
Constitution/Terms of Reference	
Resolution/minutes (certified as being a true copy)	
Standing Orders	
Registration Form and Interest Statement for Community Interest Company	

Distribution of surplus funds - For companies limited by guarantee, industrial and provident societies and unincorporated bodies, please provide documentary evidence that any surplus made by the organisation is wholly or partly applied for the benefit of the Borough of Dartford or a neighbouring local authority area sharing a border.	
Membership of unincorporated bodies - Please provide the names and addresses (please continue on a separate sheet if necessary) of at least 21 members who are included in Dartford Borough Council's register of electors	

<p>Local connection - For organisations other than parish councils, please provide documentary evidence that the organisation is wholly or partly concerned with the Borough of Dartford or a neighbouring local authority area sharing a border.</p> <p>A parish council may nominate an asset within its own parish area, or an asset in a neighbouring area that does not have its own parish council e.g. a town council , or with which it has a shared border</p>	
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PART B: ABOUT THE ASSET BEING NOMINATED FOR INCLUSION IN THE COUNCIL'S LIST OF ASSETS OF COMMUNITY VALUE

Name of asset (building or land) or combination of both	
Address or location of the asset (including post code)	
Is the asset (please tick one)	In use at the present time <input type="checkbox"/> Empty <input type="checkbox"/> Derelict <input type="checkbox"/>
What is the main use of the asset?	
Is the asset being used for any ancillary uses? – See Annex - Note 1	YES <input type="checkbox"/> NO <input type="checkbox"/> If yes – please provide details of the ancillary use(s)
Has the asset been granted planning permission for a non-community use?	YES <input type="checkbox"/> NO <input type="checkbox"/> DO NOT KNOW <input type="checkbox"/> If yes- please provide details, including the planning reference number

PART C: SUPPORTING DOCUMENTS/INFORMATION

C1. Maps and drawings

Please provide information that helps to clarify the exact location and extent of the asset being nominated:

- where the land is registered, the HM Land Registry Title and Title Plan (no less than one month old) with boundaries clearly marked on the Title Plan;
- if the land is not registered at HM Land Registry:
 - ✚ a written description with ordinance survey location, with an explanation where the boundaries lie, the approximate size and location of any building/s on the land and details of any roads bordering the site; and
 - ✚ a drawing or sketch map with boundaries clearly marked in red – websites which might help you navigate to individual properties on a map include: <http://maps.google.co.uk/> and www.dartford.gov.uk

C2. Current main use of asset

What is the *current* main use of the asset?

Do you consider that the **current** and **main** use of the asset furthers the social wellbeing or cultural, recreational or sporting interests of the local community? – **See Annex - Note 2 below**

Yes	No
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If yes, please explain. If no, go to question C3

Over what period is this main use of the asset anticipated to continue?

Does the local community interest group have legal and authorised use of the land or property? If yes, please explain

C3. Questions for assets not *currently* used for community benefit

If the main use of the asset does not *currently* further the social wellbeing or cultural, recreational or sporting interests of the local community, did it do so at some stage in the last two years and is it realistic to consider that it will do so again during the next five years? **See Annex - Note 3 below**

Please provide supporting evidence such as reference to and evidence from a Parish Plan and/or other documents as to the importance of this asset locally.

Yes	No
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Please provide details of how the asset was used in the past and dates of this usage

How do you anticipate that the asset would return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?

When do you consider that the asset could realistically return to furthering the social wellbeing or cultural, recreational or sporting interests of the local community?

C4. Owner and occupier details (Please provide all information available to you)

	Name	Address	Please delete as appropriate
Holder(s) of freehold estate			<input type="checkbox"/> Current <input type="checkbox"/> Last known <input type="checkbox"/> Not known <input type="checkbox"/> Not applicable
Holder(s) of any leasehold estate			<input type="checkbox"/> Current <input type="checkbox"/> Last known <input type="checkbox"/> Not known <input type="checkbox"/> Not applicable
Occupiers			<input type="checkbox"/> Current <input type="checkbox"/> Last known <input type="checkbox"/> Not known <input type="checkbox"/> Not applicable

C5. Optional information to help us consider the nomination (it is not essential to answer these questions but they reflect part of the criteria which will be used to consider the nomination - any information you can supply will help to speed up this process) – **See Annex - Note 4 below**

Is the asset used wholly or partly as a residence? If yes, please provide details

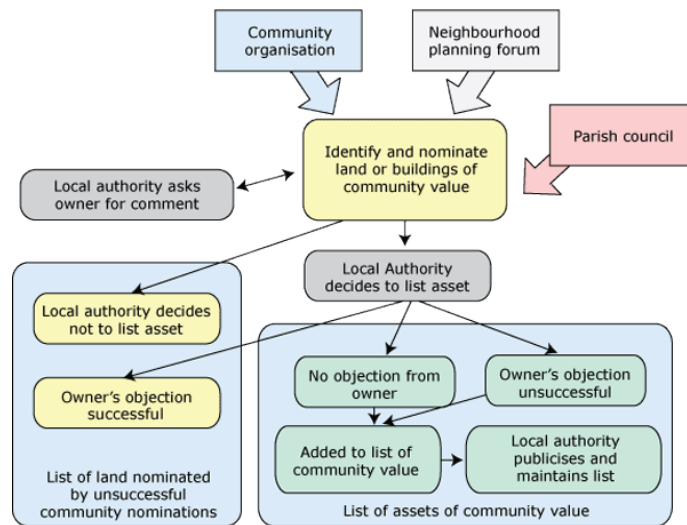
Is the asset covered by the Caravan Sites and Control of Development Act 1960? If yes, please provide details

Is the asset defined as operational land under section 263 of the Town and Country Planning Act 1990, owned by statutory undertakers such as utility companies? If yes, please provide details

C6. Further information

Please provide any further information to support why you consider Dartford Borough Council should conclude that the asset is of 'community value' (for example, do you have evidence of community engagement such as results of local surveys that support the nomination).

Listing process: flowchart¹



Name:

Position in Organisation:

Address (Including Postcode):

Daytime Telephone Number:

E-Mail Address:

I declare the information I have given on this form is correct and complete:

Date:

Please post your completed form to: Policy and Corporate Support, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent DA1 1DR or Email: communityrighttobid@dartford.gov.uk

Data Protection Privacy Notice - We provide an Asset of Community Value Right to Nominate & Bid (ACV service). We need to collect your personal information to administer this service. Our lawful bases for processing your personal information are:

- our legal obligations under the Land Registration Rules 2003
- our legal obligation(s) under the Localism Act 2011
- our legal obligation(s) under the Assets of Community Value (England) Regulations 2012
- necessary for the performance of a task in the public interest or in the exercise of official authority vested in us under the above legislation

We are required by law to invite representations on an ACV listing nomination before making a decision as to whether or not to list the asset. Your information will be shared with

- (a) the relevant parish council (if not the nominator);
- (b) the owner of the land;
- (c) where the owner is not the freeholder:
 - (i) the holder of the freehold estate in the land; and
 - (ii) the holder of any leasehold estate in the land other than the owner; and
- (d) any lawful occupant of the land.

¹ Flowchart reproduced under Crown copyright. Contains public sector information licensed under the Open Government Licence v3.0.)

Please refer to our [Corporate Privacy Notice](#) and the [Privacy Notice for Assets of Community Value](#) for further details of how we process your personal information and for details on your additional rights.

Please note that this Annex does not constitute legal advice. Independent legal advice should be taken when considering the ACV process.

ANNEX

Compliance requirements - through a [validation process](#), the Council will need to satisfy itself that the nomination complies with the requirements of reg.6 of the [2012 Regulations](#) as follows:

- (a) a description of the nominated land including its proposed boundaries;
- (b) a statement of all the information that the nominator has with regard to:
 - (i) the names of current occupants of the land, and
 - (ii) the names and current or last-known addresses of all those holding a freehold or leasehold estate in the land;
- (c) the nominator's reasons for thinking that the Council should conclude that the land is of community value; and
- (d) evidence that the nominator is eligible to make a community nomination.

The nomination will be validated, normally within 10 working days of its receipt by the Council. However, the validation process will be delayed if the Council decides that the nomination is not reg. 6 compliant (see above) or *insufficient* information has been provided in support of the nomination. In these circumstances, the nominator will be given one further and final opportunity to make the nomination compliant, including providing additional information where applicable, within a period of 3 months. Failure to make the nomination compliant, including providing sufficient information in support of the nomination, will result in the nomination being treated as unsuccessful and added to the list of unsuccessful nominations held by the Council.

On being satisfied that the nomination is valid, the Council will invite representations from interested parties and reach a decision whether or not to list the nominated asset as an asset of community value, within eight weeks, or such longer period as is agreed with the owner in writing.

NOTE 1 – WHAT IS MEANT BY ANCILLARY?

The relevant community use must not be an ancillary use of the property i.e. not the main purpose of the asset. For example, if school playing fields are used on a Saturday by a local sports club or a club for disabled youngsters uses a farm one morning a month, that community use will clearly be an ancillary use.

NOTE 2 - WHAT DOES SOCIAL WELLBEING OR SOCIAL INTERESTS OF THE LOCAL COMMUNITY MEAN i.e. COMMUNITY USE?

Interpretation will depend on the type of asset nominated and the use that has been made of it. The focus of the statutory criteria is on the 'local community'. It will usually be a question of fact as to what the 'local community' comprises in any particular case. The phrase 'local community' should be given its natural meaning in the English language i.e. 'as a body viewed collectively'.

Although usually, a 'local community' will be a section of the public with a residential and geographical link to the asset, that is not a requirement with regard to every asset. Rather, for the purposes of the ACV regime, the local community is made up of workers, residents and regular visitors e.g. the interpretation of 'local community' may apply to a town - not just that a pub has a regular clientele but that far more than a de minimis are people from the town.

In the absence of a legal definition, the Council defines '**social wellbeing**' as 'those aspects of life that society collectively agrees are important for a person's happiness, quality of life and welfare', comprising the following five elements which take into account its local priorities:

(i) **Community cohesion** – does it bring groups together such as providing for interaction between people, the formation or strengthening of friendships and social networks, particularly within an identifiable community and supporting a sense of local identity, and serving to counter negative factors such as loneliness and social isolation?

(ii) **Equality and social inclusion** – does it contribute to promoting equality for any groups with protected characteristics or people vulnerable to socio-economic disadvantage?

(iii) **Wellbeing and health** – does it provide services/activities/opportunities for improving the wellbeing or health of people or help maximise wellbeing of people belonging to vulnerable groups or have long term conditions or enable people to build on their skills, strengths, aspirations and networks so they can co-produce improvements to their own and others wellbeing and health?

(iv) **Decent neighbourhood standards** – does it contribute to maintaining or improving well-maintained parks and green spaces, safer neighbourhoods, access to appropriate childcare where it is needed and household recycling facilities?

(v) **A working borough** - does it contribute to local job creation or engagement, development of local business, reinvesting profits in the local area, investment in education or training and promoting fair trade?

NOTE 3 - WHAT IS MEANT BY 'RECENT PAST'?

The Council treats the '**recent past**' as being the **five-year period** preceding the date of the nomination of the asset. The Council will consider the following factors in determining what constitutes the 'recent past':

- (i) the length of the period of community use of the asset in the past;
- (ii) the type of asset involved;
- (iii) the nature of the community use of the asset;
- (iv) the degree of connection between the asset and the community;
- (v) whether the asset has been out of use for a period prior to the nomination;
- (vi) whether the asset was used for a non-community use following acquisition by a compulsory purchase power for use by a public body.

When considering the community use in the 'recent past', the Council will also consider whether there is a realistic prospect that there **could be a future community use of the asset in the next five years**, which is not an ancillary use. The test does not require the likely future use of the asset to be determined, but rather to determine whether future community use is one of a number of realistic options for the asset. The test is not whether such future use is wholly unrealistic but whether it is realistic to think that there could be such a relevant non-ancillary use in the next five years.

A nomination that is prompted by a desire to retain a building that is considered to enhance the character of the local area is not sufficient by itself to show a community benefit. The focus should be on the use to which the building is put, rather than the physical appearance of the building that should be dealt with exclusively by building and planning law. For example, a nomination of an unused boathouse by the side of a canal was refused on that ground.

It is not enough that the asset is considered suitable for future community use, if there is no current qualifying use and there has been no such use in the recent past. For example, a building which has been empty and in poor repair for a long period and never used for a community purpose, cannot be listed, simply because it is considered and proposed that it could be converted to a community use in the future.

Evidence of current usage of the asset will be checked against known information including the planning history.

NOTE 4 - THE FOLLOWING CANNOT BE NOMINATED AS AN ASSET OF COMMUNITY VALUE:

- a building used or partly used as a residence which includes land held with the residence under a single legal title, which would go beyond immediate gardens, outbuildings, yards etc. and extend to all land held under that title (the exception to the exclusion of residential premises will be premises which include living quarters which are an integral part of a pub or shop and which are otherwise eligible for listing);
- land in respect of which a site licence is required or would be required (under Part 1 of the Caravan Sites and Control of Development Act 1960);
- boats used for residential purposes;
- operational land (as defined in section 263 of the Town and Country Planning Act 1990) i.e. land used for transport infrastructure and some other related purposes by specified bodies with statutory powers.