

Assets of Community Value guidance notes

These guidance notes are to help you with completing the nomination form for registering an asset of community value. They also contain some information about the Community Right to Bid, outline the definition of an asset of community value and some of things that are exempt.

- **Completing the nomination form**

You can download the nomination form from our website or we can email a copy to you.

If possible, fill in the nomination form electronically. You can type directly into it. The boxes will expand to fit the amount of information you want to provide. If you use a paper form, please write clearly in black ink.

The nomination form is split into three main sections covering:

- your organisation
- the asset you wish to nominate
- why you believe the asset is of community value.

Please answer all of the questions. The notes below explain what sort information you need to include for each question.

We will use the information you provide on the nomination form to assess whether your nomination meets the requirements of the legislation for designating an asset of community value.

About your organisation

We are asking for the information in this section to help us assess whether your organisation is eligible to make a nomination.

1. Organisation name and address
Enter the name and address of your organisation We will publish this information on our website and may share it with the owner of the asset you are nominating.

2. Type of organisation

You need to tell us what type of organisation you are as only the voluntary and community bodies listed below are eligible to make a nomination. We will not accept nominations from any other bodies.

- **Parish or town councils** can make nominations for an asset in their own area or in a neighbouring parish/town council's area.
- **Neighbouring parish councils.** A parish council may nominate an asset within an adjoining parish area where there is no parish council and where they have a shared boundary and the asset is within the Malvern Hills district.
- **Unincorporated community groups.** The membership must include at least 21 local people who appear on the electoral roll within the Malvern Hills district, or a neighbouring local authority area. The group must not distribute any profits it makes to its members.
- **Neighbourhood forums.** A body designated as a neighbourhood forum as set out in section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a neighbourhood forum. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation, for example a forum should have an open membership policy and seek to draw its membership from across the neighbourhood area and from different sections of the local community.
- **Community interest groups with a local connection.** These must have one or more of the following structures:
 - **A not-for-profit company** e.g. a charity – companies whose activities benefit the community and who reinvest surplus made from trading back into the community (often called Social Enterprises or Community Interest Companies);
 - **A community interest company** (a company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004.
 - **A company limited by guarantee** that is non profit distributing which does not distribute any surplus it makes to its members, but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area;
 - **An industrial and provident society** (a body registered or deemed to be registered under the Industrial and Provide Societies Act 1965 which meets one of the conditions in section 1 of that Act) which is a non-profit distributing, it does not distribute any surplus it makes to its members, but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area.

Registration number

If you are a charitable organisation or company please provide your charity or registration number.

3. What are your organisation's main activities within the Malvern Hills district?

Tell us about your organisation's connection to the Malvern Hills district. For a group to be able to nominate land or property as an asset of community value, it will have to demonstrate that its activities are wholly or partly concerned with the local authority area where the asset sits or with a neighbouring authority, which shares a boundary with the area in which the asset is located.

4. Who can we contact to discuss this nomination?

The contact name must be the same as the person signing the declaration at the end of the form. Ideally, this will be a member of the group's management team or committee, such as a chairperson, secretary or treasurer.

About the asset you want to nominate

We will publish details about the type and location of the asset you are nominating on our website.

5. What type of asset it is?

Tell us what type of building or piece of land the asset is.

6. Location of the land or building you are nominating

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

Describe the asset, including what you consider to be its boundaries.

Please give as much detail as you can, including the extent of the property you are nominating; for example this may include the car park area. If possible please include a plan showing the location of the asset and a site plan, with the boundaries marked on it.

7. Current owners and occupiers

Owner: It is very important that you include these details as we 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 that we advise everyone affected if the asset is listed.

8. Details of anyone else you are aware of who has a legal interest in the asset.

Include details of any other individuals or organisations that you are aware of that have a legal interest in the asset. For example, this could be a trust, leaseholder or freeholder, who isn't the current owner or occupier.

Demonstrating the community value of the asset

We may share the information you provide in section nine with the owner of the asset you are nominating.

9. What are your reasons for nominating this land or property as an asset of community value?

In this part of the form you need to give as much information as possible about why you feel the asset currently boosts the social interest and social wellbeing of the local community or if it did in the past, why it is realistic to think that it could in the future. For example how the asset is currently used, what activities take place there, which groups use it or have done so in the recent past.

Social interests include cultural, recreational and sporting interests. Social wellbeing relates to social interaction and engagement.

Attachment checklist

Please send any of the following that are relevant with your nomination form.

Please send all the relevant attachments with your form as we we will not be able to assess your nomination without these. Please tick to indicate which items you are attaching.

Declaration

I confirm that to the best of my knowledge the information contained in this form is complete and accurate.

Ideally, the form will be signed by a member of the group's management team or committee, such as a chairperson, secretary or treasurer.

• Background

The Assets of Community Value, which was established by the [2011 Localism Act](#), came into force in September 2012. The right gives eligible groups the opportunity to identify and nominate assets that are of value to the local community and gives them a fair chance to make a bid to buy them on the open market if the owner decides to sell.

A community could use this right to buy a local asset like a village shop, community centre, library, children's centre, allotment or pub. The right covers private as well as public assets.

All nominations for land or property to be included on the list of assets of community value must be made using our assets of community value nomination form.

- **What is an asset of community value?**

When we assess whether a particular building or piece of land is of community value, we must determine whether it meets the definition of an asset of community value as set out in [Section 88 of the Localism Act 2011](#).

A building or piece of land in the Malvern Hills district is deemed to be of community value if, in our opinion:

- a) The current main use of the building or land furthers the social interests or social wellbeing of the local community, or a use in the recent past has done so. **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 interests or social wellbeing of the local community, whether or not in the same way as before.
- b) The main use of the building or land in the recent past furthered the social interests or social wellbeing of the local community. **And**, it is realistic to think that within five years the building or land can be brought back into a use that furthers the social interest or wellbeing of the local community, whether or not in the same way as before.

There are some categories of assets that are excluded from listing as assets of community value. The main one is residential property, including land and outbuildings connected with that property. However, there is an exception to this where an asset which could otherwise be listed contains integral residential quarters, such as accommodation as part of a pub or a caretaker's flat.

Other exclusions include land licensed for use as a residential caravan site and operational land as defined in Section 263 of the Town and Country Planning Act 1990.

Please refer to [Schedule 1](#) of The Assets of Community Value (England) regulations for full details of land which is not of community value and therefore may not be listed.

- **Data Protection Law**

We will hold, process and store your information in accordance with Data Protection Law. For more information please see our privacy notices on our website.