

# **Assets of Community Value Scheme**

**CRAWLEY BOROUGH COUNCIL**



**April 2014**

# **ASSETS OF COMMUNITY VALUE SCHEME**

## **Outline of the Scheme**

The Government has introduced legislation that enables community groups to bid to buy and run assets listed as having community value. This is through the provisions of Part 5 Chapter 3 of the Localism Act 2011, together with the associated assets of Community Value (England) Regulations 2012. The Council must introduce and



The evidence which must be submitted is set out in paragraph 6 of the Assets of Community Value Regulations 2012.

*1.3.1. A description of the nominated land including its proposed boundaries.*

The Council needs to know exactly where the asset is so a community nomination must include the full address of the asset, including a postcode; the name and a description of the asset; its location and



same ownership as the associated residence. However, an asset which could otherwise be listed which contains integral residential quarters such as accommodation as part of a pub or caretakers flat would be capable of listing;

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The Council will acknowledge receipt of a completed nomination form within 5 working days.

Nominations can only be made by a parish Council or a voluntary or community body as set out in paragraph 1.2 above.

All relevant information and evidence must be provided as part of the application as set out in paragraphs 1.3 above. The Council reserves the right to refuse to register an application if relevant evidence is not provided by the relevant body.

## **2. Determination of applications to nominate and listing of Assets of Community Value**

### **2.1 *Who makes the decision and how long does it take?***

The decision to include an asset on the register of Assets of Community Value rests with the Assets of Community Value Panel (ACVP) comprising of three Heads of Service drawn from a pool of Officers (Head of Legal and Democratic Services, Head of Community Services, Head of Strategic Housing and Planning Services, Head of Property, Head of Planning and Environmental Services) in consultation with the Cabinet Member for Community Engagement, and in the event of a conflict of interest then the Leader of the Cabinet. The decision will be recorded on a validation form. This is a formal record of the meeting which records the final decision and reasons why an asset is accepted or rejected as an asset of community value.

The ACVP will consider all written information provided as part of the community nomination and all written responses received as a result of the notification procedure. Oral presentations will not be permitted.

The ACVP will then assess the nomination against the statutory criteria set out in the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.

The Council will give written notice of its decision to

- the owner of the land;
- the occupier of the land if the occupier is not also the owner
- the person who made the nomination;
- a parish or neighbourhood Council (if any of the land is within a parish or neighbourhood boundary);
- where the owner is not the freeholder the holder of the freehold estate in the land and the holder of any leasehold estate in the land other than the owner;
- any lawful occupant of the land.

A decision will be made within eight weeks of receipt of a completed nomination form. The eight week period will begin upon receipt of a complete application form. The decision will be notified to the nominator and the land owner within seven days of the decision being taken.

## **2.2 *How does the Council decide which nominations to accept and which to reject?***

There is a list of criteria that the nominated asset must meet in order to be accepted for inclusion onto the List of Assets and Community Value. These criteria are laid out in the Localism Act 2011 and Assets of Community Value (England) Regulations 2012 and every local authority in England must use these criteria when assessing nominations. The criteria state that the nominated asset must:

- be located in the authority's area;
- come from a community organisation that is eligible to make a nomination;
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If an asset is included on the list, an owner has the right to request the Council to review its decision. This request must be submitted before the period of eight weeks beginning with the date on which the Council provided the owner with written notice of its decision. The asset will remain listed while the review is carried out. The internal review will be conducted by the Director of Transformation and Housing personally or by an appropriate senior officer ensuring that the appropriate senior officer was not involved in the original decision that is being reviewed. The Council will aim to complete the review within eight weeks, if a longer period is necessary this will be agreed in writing. If the owner is not satisfied with the outcome of the internal review they have the right to appeal to the General Regulatory Chamber of the First-Tier Tribunal. This appeal must be made within 28 days of the date of the notice of the decision of the Council's internal review.

The owner may appoint any representative (whether legally qualified or not) to act on his or her behalf in connection with the review. The Council will provide any representative with any document which it is required to send to the owner and need not provide the document separately to the owner. Both the owner and the owner's representative may make representations to the reviewer orally or in writing or both orally and in writing. The owner is entitled to request an oral hearing. Where no written request is received from the owner or the owner's representative for an oral hearing the review will be considered on paper. Each side will be responsible for t



