

London Borough of Enfield

Guidance notes for voluntary and community groups interested in nominating assets of community value

Introduction

The community right to bid (Assets of community value) is part of the Localism Act 2011 which came into force on 19th September 2012.

In all areas across the Borough there are buildings, land and amenities that communities may consider are an essential part of their community lifestyle. These facilities can be a shop, a pub a community centre or a library, for instance and do not need to be in public ownership. The closure or sale of these places may be considered to create a potentially lasting detrimental effect to the local communities.

Under the Localism Act, all voluntary and community organisations can nominate an asset to be included on a list of 'assets of community value'. The Council will manage the lists of successful and unsuccessful nominations and ensure that both lists are published on the website and available on request.

You may nominate assets by completing an online form or a downloadable form.

(Hard copies are available on request)

Eligibility of Nominating Organisation

Only voluntary and community organisations with a local connection and parish councils in England will have the right to make community nominations of assets to be included on the list. A 'local voluntary and community body' is defined as:

- (a) a body, other than a public or local authority, which may be incorporated or unincorporated, must not be run primarily for profit, and must have a primary purpose concerned with the local authority area, or the neighbourhood in which the asset is situated where this is in more than one authority's area. In

practical terms, this means your organisation must be one of the following: A body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990;

- (b) A parish council;
- (c) An unincorporated body –
 - (i) Whose members include at least 21 individuals, and
 - (ii) Which does not distribute any surplus it makes to its members;
- (d) A charity;
- (e) A company limited by guarantee which does not distribute any surplus it makes to its members;
- (f) An industrial and provident society which does not distribute any surplus it makes to its members (defined as a body registered or deemed to be registered under the Industrial and Provident societies Act 1965 which meets one of the conditions in section 1 of that Act) ; or
- (g) A community interest company

Demonstrating a Local Connection

You will need to provide evidence that your organisation has a connection to Enfield. This means:

A body other than a parish council has a local connection with land in a local authority's area if –

- (a) The body's activities are wholly or partly concerned –
 - with the local authority's area or
 - with a neighbouring authority's area;
- (b) any surplus it makes is wholly or partly applied –
 - For the benefit of the local authority's area, or
 - For the benefit of a neighbouring authority's area

- (c) A parish council has a local connection with land in another parish council's area if any part of the boundary of the first council's area is also part of the boundary of the other council's area. A parish council's area is within the local authority's area, but is not in any parish council's area if –
- the council's area is within the local authority's area or
 - any part of the boundary of the council's area is also part of the boundary of the local authority's area.

You can include further evidence as part of your submission in the attachment section of the form. We would like to see documentary evidence of your organisation's status.

About the Asset

A building or other land should be considered an asset of community value if:

- Its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and
- That use is not an ancillary one; and
- For land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and
- It does not fall within one of the exemptions e.g. residential premises and land held with them.

Steps following Submission

After receiving your application, we will make a decision on whether to accept your nomination within 8 weeks, using the criteria set out in the Localism Act 2011 (see Appendix 1). The process/next steps are outlined in Appendix 2 and Appendix 3.

We will contact you if we have any questions or queries with your nomination.

We are required to inform the owner of the land, any freeholders or leaseholders and the current occupants of the land of your nomination. They have the right to appeal against the listing.