

Appendix 5	
Regulation/policy required as part of the Assets of Community Value (England) Regulations 2012	HDC policy
<p>1) Regulation to determine the meaning of a 'voluntary or community body' (a 'community interest group') Regulation 5 (a community interest group is defined in Regulation 12)</p>	<p>Nominations may be submitted by the following:</p> <ul style="list-style-type: none"> • Town and Parish councils • Unincorporated bodies with at least 21 individual members and which do not distribute any surplus it makes to its members • Charities • Company limited by guarantee which does not distribute any surplus it makes to its members • Industrial and provident society which does not distribute any surplus it makes to its members • Community interest companies • A body designated as a neighbourhood forum under the Town and Country Planning Act.
<p>2) Regulation to establish criteria which demonstrates a local connection of the 'community interest group'. Regulation 4</p>	<p>The above groups will need to demonstrate a local connection:</p> <p>Activities wholly or partly concerned with Harborough District or a neighbouring Local Authority</p> <p>Any surplus made wholly or partly applied for benefit of Harborough District or a neighbouring Local Authority</p> <p>Unincorporated bodies must have at least 21 local members included on register of electors</p>
<p>3) To determine specific periods during which expressions of interest, or expressions of interest in respect of a particular relevant service, may be submitted to the authority. The Authority must publish details of each specification in such manner as it thinks fit (which must include publication on the authority's website).</p>	<p>Nominations can be made at any time to Harborough District Council</p>
<p>4) The Authority must specify— (a) the minimum period that will elapse between— (i) the date of the relevant authority's decision to accept an expression of interest, and (ii) the date on which it will begin the procurement exercise required as a result of that acceptance, and (b) the maximum period that will elapse between those dates. The Authority may specify different periods</p>	<p>We will usually acknowledge receipt of the nomination within 5 working days. Nominations will then be considered in line with the requirements set out in the regulations including taking all practical steps to notify the following that the asset is being considered for listing:</p> <ul style="list-style-type: none"> • The relevant town or parish council • The relevant Local Councillors for the ward involved • The owner of the asset

<p>for different cases Regulation 7, Regulation 8 and Regulation 9</p>	<ul style="list-style-type: none"> • Where they are not the owner, the holder of the freehold estate and the holder of any leasehold estate • Any lawful occupant • Statutory undertakers (such as utility companies) <p>We will decide whether the nominated asset should be included in the list within eight weeks of receiving the nomination and will notify the following of our decision and the reasons behind this:</p> <ul style="list-style-type: none"> • The owner of the land • The occupier of the land (if not the owner) • The nominator • Where they are not the owner, the holder of the freehold estate and the holder of any leasehold estate • The relevant town or parish council • The relevant Local Councillors for the ward <p>Where we are unable to notify any of the above, we will try to bring the notice to the person's attention - for example by publishing details on the Harborough District Council website.</p> <p>The nominator's contact details as provided on the nomination form will be used for future correspondence, including, in the event that the asset is listed, notice that the owner has advised of an intention to dispose of the asset. It is therefore essential that the nominator ensures that any changes in contact details during the period of the listing are notified to the Council.</p> <p>Information provided in the nomination form will be processed in accordance with the Data Protection Act for the purposes of administering the Community Right to Bid procedure. The information will be stored securely by Harborough District Council and will be destroyed after 6 years. Name and contact details provided will be shared with the owner of the asset in the event that the nominating organisation subsequently submits an intention to bid. The information provided will be subject to the Freedom of Information Act, but personal information (names and contact details) will not be released in responses to Freedom of Information requests.</p>
<p>5) Policy to determine how the notification</p>	<p>We will publish the following on the</p>

<p>should be published</p>	<p>Harborough District Council website www.harborough.gov.uk</p> <ul style="list-style-type: none"> • The list of assets of community value • A list of assets nominated by unsuccessful community nominations <p>Copies of these lists are also available for inspection by appointment at the Council Offices.</p>
<p>6) Determination of the form of entries on the list Regulation 6</p>	<p>Entries on the list will be maintained as web based database with a hard copy for viewing by appointment at the Council Office or other place determined by the Authority and will contain the following information</p> <ul style="list-style-type: none"> • The name of the asset • The address of the asset • Property owners name • Property owners address • Current occupiers name • Name of organisation making bid • Whether the organisation is constituted • Address of organisation making bid • Contact details of organisation making bid • If not a constituted organisation the names and addresses of 21 members registered to vote in the nomination area (usually parish or neighbouring parish) • Nature and business of the organisation making bid • Reasons for community value of asset • Possible future use of asset
<p>7) Criteria to determine when a use is non ancillary (Localism Act 2011 section 88)</p>	<p>Land and buildings, either in public or private ownership which can demonstrate 'community value'. Included in the Regulations' definition of land and buildings is part of a building, part of any other structure and mines and minerals, whether or not held with the surface. (land not eligible is included at schedule 1)</p> <p>Community value is defined as follows:</p> <ul style="list-style-type: none"> • The principle use of the asset currently, or in the recent past furthers the social wellbeing or

	<p>cultural, recreational or sporting interests of the local community and</p> <ul style="list-style-type: none">• This use will continue to further the social wellbeing or interests of the local community. <p>Where the asset does not currently demonstrate 'community value' (as above), it may still be nominated where it is possible to demonstrate that the asset's main use did further the social wellbeing or cultural, recreational or sporting interests of the local community in the recent past and where it is realistic to think that it will do so again in the next five years.</p> <p>The following examples give an indication of the types of assets which may be defined as having 'community value:'</p> <p>Sport, recreation and culture</p> <p>This could include but not exclusively:</p> <ul style="list-style-type: none">• Parks and open green spaces• Sports and leisure centres• Libraries• Theatres• Museums or heritage sites• Cinemas• Swimming pools <p>Community services</p> <p>This could include but not exclusively:</p> <ul style="list-style-type: none">• Community centres• Youth centres• Public toilets <p>Local democracy</p> <p>This could include but not exclusively:</p> <ul style="list-style-type: none">• Parish Offices, Town halls <p>Any economic use (e.g. a business such as a shop) which also provides an</p>
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	<p>important local social benefit which would no longer be easily available if that service should cease</p> <p>This could include but not exclusively:</p> <ul style="list-style-type: none"> • Village shops • Pubs • Markets
<p>8) Evidence that needs to be submitted to the Authority to make the determination of non ancillary use. Regulation 6</p>	<p>Nominations will need to include:</p> <ul style="list-style-type: none"> • A description of the nominated asset including its proposed boundaries clearly edged in red • Evidence of the current and historical use of the asset, with evidence of benefits afforded to the community by that use. • A statement of all information which the nominator has with regard to the names of current occupiers and the names and current, or last known addresses of all those holding a freehold or leasehold estate in the land • Reasons for thinking that the Council should conclude that the land is of community value and • Evidence that the nominator is eligible to make a nomination <p>A nomination form will be available on Harborough District Council's website</p> <p>As a minimum, the following should be provided:</p> <p>a) Evidence to support that the nominator is eligible to make a nomination (as appropriate to the organisation) One or more of the following should be included:</p> <ul style="list-style-type: none"> • Memorandum of Association • Articles of Association • Companies House return • Trust Deed • Constitution / Terms of reference • Standing Orders • Interest Statement for Community Interest Company <p>b) Information showing the boundaries of the asset being nominated – for example through</p>

	<p>one or more of the following:</p> <ul style="list-style-type: none"> • Where the land is registered, the Land Registry Title Information document and map with boundaries clearly marked in red (less than one month old). • A written description with ordinance survey location, and explaining where the boundaries lie, the approximate size and location of any building/s on the land and details of any roads bordering the site. • A drawing or sketch map with boundaries clearly marked in red
9) Determination by the Authority of the 'recent past'	The asset should have been used for the above reasons within two years of the nomination date
10) Policy for determining criteria as to whether an asset should be included in the list.	<p>Once we have received the completed form we will consider and check the eligibility of the nomination and if we feel the property does have community value it will be added to the 'list of assets of community value'. Assets will remain on the list for five years and a land charge will be registered against the property.</p> <p>Criteria used for determination as to whether an asset should be included in the list will be as follows;</p> <ul style="list-style-type: none"> a) That the current principal use of the asset has been for furthering the social wellbeing or cultural, recreational or sporting interests of the local community b) The principal use of the asset within the last two years has been for furthering the social wellbeing or cultural, recreational or sporting interests of the local community c) It is realistic to assume that in the next five years the asset will continue to be used for furthering the social wellbeing or cultural, recreational or sporting interests of the local community d) The nomination has been made by a community interest group in line with the regulations e) The information required on the nomination form has been fully completed. <p>You will be advised that the property has been listed and the date in five years time when it will be removed. It is important you note the date as there will be no further</p>

	<p>contact with you unless the property owner decides to sell. When the five years have expired you can submit a new nomination.</p> <p>The decision to include an asset on the list of assets of community value will be made by the Land and Asset Management Group, chaired by the Assistant Director for Community Services. In the event of disagreement by the Land and Asset Group, the Assistant Director's decision will be final.</p> <p>We will notify the nominee should the nomination be ineligible and provide an explanation as to why it was unsuccessful. In such circumstances the property will be added to the list of 'land nominated by unsuccessful community nominations' and will remain on the list for five years. There is no appeal or review process for unsuccessful nominations.</p>
<p>11) Regulation to determine the procedure for a review of the decision to include or exclude an asset from the list (Localism Act 2011 section 92)</p>	<p>The owner of an asset included in the list of community assets may ask us to review our decision. This request must be made in writing within eight weeks of the date upon which we provided the owner with written notification of our decision, or longer where we have agreed to this in writing.</p> <p>We will usually acknowledge receipt of the request within 5 working days and advise of the procedure to be followed in connection with the review. The review will be undertaken by a senior officer independent of the original decision making process.</p> <p>The owner may request an oral hearing and may appoint a representative to act on his or her behalf in connection with the review. Where no request for an oral hearing is made by the owner, we will decide whether or not an oral hearing would be beneficial to the review process. The owner, or their representative, may make written and oral representation to the reviewer.</p> <p>We will complete the review process within eight weeks of receipt of the written request for the review, or a longer period where this has been agreed with the owner.</p> <p>We will notify the owner in writing of the outcome of the review and where the review concludes that a change to the listing is required, we will also notify:</p>

	<ul style="list-style-type: none"> • The occupier of the land (if not the owner) • The nominator • Where they are not the owner, the holder of the freehold estate and the holder of any leasehold estate • The relevant town or parish council • The District Councillor/s for the ward <p>Where the review concludes that a change to the listing is required, we will adjust the list of assets of community value and advise the Land Registry accordingly. (Schedule 4)</p> <p>Where an owner remains dissatisfied with the outcome of the review, they may appeal to The First Tire Tribunal (Regulation 11) against our decision on the listing review. Appeals should be sent to: <i>[to be inserted]</i></p>
<p>12) Policy to determine whether compensation for loss will be made by the Authority for inclusion of an asset on the list Regulation 14</p>	<p>Harborough District Council will consider a compensation claim in the following circumstances:</p> <ol style="list-style-type: none"> 1. If owner or former owner of listed land or of previously listed land makes the claim, other than specified owners in regulation 15. 2. The circumstances mentioned in paragraph 1 are that the person making the claim has, at a time when the person was the owner of the land and the land was listed, incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed. 3 The following types of claim may be made:- <ol style="list-style-type: none"> a) a claim arising from any period of delay in entering into a binding agreement to sell the land which is wholly caused:- <ol style="list-style-type: none"> (i) by relevant disposals of the land being prohibited by section 95(1) of the Act during any part of the relevant six weeks that is on or after the date on which the responsible authority receives notification under section 95(2) of the Act in relation to the land, or (ii) in a case where the prohibition continues during the six months beginning with that date, by relevant disposals of the land being prohibited during any part of the relevant six months that is on or after that date; and b) a claim for reasonable legal expenses

	<p>incurred in a successful appeal to the First-Tier Tribunal against the responsible authority's decision:-</p> <p>(i) to list the land,</p> <p>(ii) to refuse to pay compensation, or</p> <p>(iii) with regard to the amount of compensation offered or paid</p> <p>4 A claim for compensation must:-</p> <ul style="list-style-type: none"> • be made in writing to Harborough District Council; • be made before the end of thirteen weeks after the loss or expense was incurred or (as the case may be) finished being incurred; • state the amount of compensation sought for each part of the claim; and • be accompanied by supporting evidence for each part of the claim. <p>5 Harborough District Council Corporate Director will consider the claim and will give the claimant written reasons for its decisions with respect to the request for compensation. No time limit is set for response to the claim for compensation but this will usually be with 13 weeks.</p> <p>6 A person who has made a claim for compensation may, if dissatisfied with the Council's decision, ask Harborough District Council to review its decisions, made in response to that claim, as to</p> <ul style="list-style-type: none"> • whether compensation should be paid to that person, and • if compensation is to be paid, the amount of that compensation <p>7 The compensation review will be undertaken by the Corporate Director not involved in the initial compensation decision. The decision will usually be made within 13 weeks and will be informed to the claimant in writing.</p> <p>8 Where Harborough District Council has carried out a compensation review, the person who requested the review may appeal</p>
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	to the First-Tier Tribunal against any decision of the authority on the review.
13) Policy to determine enforcement protocol to prevent contravention of the regulations	<i>[to be determined]</i>