

Guidance Notes for groups interested in nominating Assets of Community Value

These guidance notes are designed to help you to complete the Assets of Community Value (ACV) nomination form.

Part A: About you and your organisation

In this section you need to include some basic details about yourself as the contact person representing your organisation. We will use this information to contact you directly if we have any questions about your nomination, and to send you the decision as to whether your nomination is accepted or rejected.

Organisation Type

Only certain bodies are eligible to nominate ACVs. You need to provide evidence that your organisation is eligible in your application.

Eligible bodies are as follows:

- (1) **parish councils** in respect of land in the parish council's area¹; and
- (2) **voluntary or community bodies with a local connection**

For ACV purposes, voluntary or community bodies must be one of the following:

- (a) a neighbourhood forum designated under section 61F of the Town and Country Planning Act 1990;
- (b) an unincorporated body (i) whose members include at least 21 individuals, and (ii) which does not distribute any surplus it makes to its members;
- (c) a charity;
- (d) a company limited by guarantee which does not distribute any surplus it makes to its members;
- (e) a co-operative or community benefit society² which does not distribute any surplus it makes to its members; or
- (f) a community interest company.

¹ In certain circumstances, a parish council may nominate land in another parish council's area or in an unparished area within the area of the local authority of which the parish council is part. For further details, see regulation 4(2) of the [Assets of Community Value Regulations 2012](#)

² For ACV purposes, this means a registered society within the meaning given by section 1(1) of the Co-operative and Community Benefit Societies Act 2014, other than a society registered as a credit union.

For a voluntary or community body to have a **local connection**–

- (i) its activities must be wholly or partly concerned with the administrative area of Eastbourne Borough Council (EBC) or Lewes District Council (LDC) or that of a neighbouring district council;
- (ii) in the case of an unincorporated body, it must have at least 21 members who are on the electoral roll for EBC or LDC, and wholly or partly apply any surplus it makes for the benefit of EBC or LDC's area or that of a neighbouring district council; and
- (iii) in the case of a company limited by guarantee or a co-operative or community benefit society, any surplus it makes must wholly or partly be applied for the benefit of EBC or LDC's area or that of a neighbouring district council

Supporting Evidence

In addition to your registered charity number or company number (where applicable), please attach other applicable evidence of your organisation's status, such as articles of association, registration numbers and its constitution. In the case of a neighbourhood forum, please provide evidence that you meet the requirements of the relevant legislation governing the creation of such groups.

If an unincorporated group, please state how many members your organisation has and attach a list of names and home addresses of 21 members registered to vote in the Borough of Eastbourne or in the District of Lewes or a neighbouring authority.

Part B: about the asset

Asset Details

In this section, you need to provide us with as much information as you can about the asset that you wish to nominate. Without this information we may have to delay consideration of the nomination until we have received all the necessary facts.

The Council needs to know exactly where the asset is and the physical extent of your nomination. If your nomination is successful, it will be placed on the Local Land Charges register and a restriction entered at the Land Registry. Without accurate information, the Council will not be able to carry out this process.

Please provide the Council with a map clearly showing the location and boundaries of the asset using an Ordnance Survey or other scaled plan printed off with the

appropriate red edging carefully drawn onto it.

Other documents or photographs may also be of assistance to us in identifying the asset and supporting your nomination.

Landowner Details

Please also provide as much information as you can about the names and address of the owner of the site, together with any occupants and their email addresses. Eastbourne Borough Council and Lewes District Council are required to inform the owner of the land, any freeholders, leaseholders and the current occupants of the land about your nomination, including whether or not it is successful. If you hold any Land Registry details regarding your nomination, copies of this information would be of particular assistance to us in processing your nomination.

Evidence of asset being 'land of community value'

Once satisfied as to your organisation's eligibility, the Council will determine whether your nominated property meets the legal definition of 'land of community value', as set out below. The nominating group should (at Box B4) set out its own reasons for thinking that their nominated property meets this definition.

Legal criteria for an asset to be deemed land of community value

A building or other land in EBC or LDC's area is land of community value if in EBC or LDC's opinion—

EITHER

- (a) an actual **current** use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
- (b) it is realistic to think that there can **continue** to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

OR

- (c) there is a time **in the recent past** when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or social interests of the local community, and
- (d) it is realistic to think that there is **a time in the next five years** when there **could** be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

In paragraphs (a) to (d) above, 'social interests' includes (in particular) each of the following: cultural interests; recreational interests; sporting interests.

Exempt Properties

Some types of property are prohibited from becoming an asset of community value, notably residential properties. This prohibition extends to gardens, outbuildings and other land associated with the residence. An asset which could otherwise be listed (e.g. a pub) which contains integral residential quarters can still be listed.

For the full list of exempt properties, see Schedule 1 to the [Assets of Community Value Regulations 2012](#).

What happens next?

After receiving your completed application, we will make a decision within 8 weeks as to whether your nomination can be listed as an Asset of Community Value.

If we have any questions or queries about your nomination, we may need to contact you in this period.

Once the Council has made a decision, we will write to you to let you know of our decision.

The Council must publish both successful and unsuccessful nominations for free inspection. The list will be available on both Eastbourne Borough and Lewes District Councils' websites.