

<i>For office use only</i>	
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Decision Due Date	



# Community Right to Bid - Part 5, Chapter 3 of the Localism Act 2011

## Assessment Criteria & Nomination Form

The Community Right to Bid ('Assets of Community Value' in Legislation) is run by South Cambridgeshire District Council in accordance with the legislation and associated regulations. The process we have outlined in our 'Guidance and Procedure' document is necessarily a formal one. This and the assessment criteria below have been devised to support nominating bodies and owners of land/buildings to understand the process. We aim also to minimise the risk of error and challenge to nominating bodies, owners of nominated land/buildings and the District Council as the administering body.

The assessment criteria below are included to assist you in making a high quality, eligible nomination to include an asset on South Cambridgeshire District Council's register of Assets of Community Value (ACV). Please ensure that you do the following *before* completing this form:

- speak to one of our Development Officers for guidance – call 01954 713070 in the first instance;
- read the assessment criteria below – these have been devised based on experience and case law, and are designed to help you to make a high quality, eligible nomination;
- refer to the 'Guidance and Procedure' document which can be found on the council's website: [www.scambs.gov.uk/community-right-bid](http://www.scambs.gov.uk/community-right-bid)
- inform the owner/tenant of the land/buildings of your intention to nominate – this will ensure as far as possible a 'no surprises', transparent approach.

In assessing nominations for the inclusion of assets in the South Cambridgeshire District Council Register of Assets of Community Value under the Localism Act 2011, there are non-discretionary and discretionary criteria as follows:

## 1. Non-Discretionary Criteria

	Criterion	Regulations Reference	Relevant section of the Nomination Form and examples of evidence
1.1	Is the nominating organization an eligible body to nominate?	Regulation 5 of the Assets of Community Value (England) Regulations 2012:  (a) a body designated as a neighbourhood forum pursuant to section 61F of the Town and Country Planning Act 1990(b); (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; or (g) a community interest company	Part A, Questions 1-6  Evidence might include: <ul style="list-style-type: none"> <li>Articles of Association</li> <li>Constitutions</li> <li>Terms of Reference</li> <li>Formal resolution</li> <li>Board minutes</li> <li>Where applicable, it is necessary to submit details of at least 21 persons registered to vote in South Cambridgeshire District – this will be verified prior to a decision being made</li> </ul>
1.2	Does the nominating body have a local connection to the asset nominated?	For a full definition of “Local Connection” see Regulation 4 of the Assets of Community Value (England) Regulations 2012	Part A, Question 7 Evidence might include: <ul style="list-style-type: none"> <li>relevant and / or historical documents</li> <li>maps</li> </ul>
1.3	Does the nomination include the required information about the asset?	Regulation 6 of the Assets of Community Value (England) Regulations 2012:  (a) a description of the nominated land including its proposed boundaries; (b) a statement of all the information which the nominator has with regard to— (i) the names of current occupants of the land, and (ii) the names and current or last known addresses of all those holding a freehold or leasehold estate in the land; (c) the nominator’s reasons for thinking that the responsible authority should conclude that the land is of community value; and (d) evidence that the nominator is eligible to make a community nomination (see question 1.1).	Part B, Questions 1-8  The nomination will be checked to ensure the required information is supplied.
1.4	Does the nominated asset fall within the list of land/buildings which can be assets of community value?	Schedule 1 to Regulation 3 of the Assets of Community Value (England) Regulations 2012. Land/buildings which is not of community value and may not be listed includes:  1. A residence together with land connected with that residence 2. Is the asset, or part thereof, a hotel, or used principally for letting or licensing accommodation to paying occupants? 3. Land in respect of which a site license is required under Part 1 of the Caravan Sites and Control of Development Act 1960 4. Operational land as defined in section 263 of the Town and Country Planning Act 1990(c).	Part B, Question 3  Evidence of current and recent usage of the asset will be checked by the assessing officer against known information including Planning history.

Please note: nominations will be considered against these non-discretionary criteria within 48hours of receipt, where practicable. Where the *non-discretionary criteria are not met*, the nomination will be returned to the nominating body.

## 2. Discretionary Criteria

Where the *non-discretionary criteria are met*, the nomination will be considered for listing against the discretionary criteria (below), in which case a listing decision will be made no later than 8 weeks from initial assessment.

	Criterion	Act / Regulations Reference	Relevant section of the Nomination Form and examples of evidence
2.1	<p>Establishing the status of the usage:</p> <p>Is / was the current or recent usage which is the subject of the nomination <b>an actual and non-ancillary usage?</b></p>	<p>Section 88 of Chapter 3, Part 5 of the Localism Act</p> <p>A building or other land in a local authority's area is land of community value if in the opinion of the authority:</p> <ul style="list-style-type: none"> <li>an actual current use of the building or other land that is not ancillary use furthers the social wellbeing or social interests of the local community, AND</li> <li>it is realistic to think that there can continue to be non-ancillary use if 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.</li> </ul> <p>A building or other land in a local authority's area that is not land of community value currently (as per the above) is land of community value if in the opinion of the authority:</p> <ul style="list-style-type: none"> <li>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 interests of the local community, AND</li> <li>it is realistic to think that there is a time in the <b>next five years</b> 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.</li> </ul>	<p>Part B, Question 5.</p> <p>Evidence of actual and non-ancillary usage might include:</p> <ul style="list-style-type: none"> <li>numbers of people making use of the facility</li> <li>session rotas for local groups, calendars, usage history etc.</li> <li>case studies of community / individual benefit</li> </ul> <p>NOTE: A working definition of "non-ancillary" is that the usage is primary, not supplementary or subordinate. The usage is not providing support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary use.</p> <p>NOTE: Local Authorities are required to decide what 'recent' means in the context of the circumstances of a particular case. Indeed, the term 'recent past' is left deliberately loose and should not be defined further.</p>
2.2	<p>About the usage of the asset:</p> <p>How and to what extent does the current (or did the recent past) usage further the social wellbeing or social interests of the community?</p> <p>Who will be / was impacted with the usage ceasing and how?</p>	<p>Section 88 of Chapter 3, Part 5 of the Localism Act</p> <p>See above</p>	<p>Part B, Questions 5-8.</p> <p>Evidence might include:</p> <ul style="list-style-type: none"> <li>Numbers of users/members/customers</li> <li>Details of community events / clubs and societies delivered through the asset</li> <li>Number of volunteer hours drawn in by the facility and scope of their involvement</li> <li>Testimonials / case studies showing benefits provided and outcomes, such as: <ul style="list-style-type: none"> <li>impact on health, wellbeing, rural isolation</li> <li>impact on sustainable living / local natural environment / wildlife</li> <li>impact on cultural, sporting or recreational activities</li> <li>Impact on community pride, cohesion, local areas of need, a sense of place</li> </ul> </li> <li>Equalities impact assessment, incl. accessibility</li> <li>Impact on provision of and access to other services in the community (e.g. community post office)</li> </ul> <p>Refer to SCDC policies, where relevant, such as Corporate Plan, Local Plan, Joint Strategic Needs Assessment</p>
2.3	<p>About the Community:</p> <p>To what extent does the local community support the listing of the</p>	<p>Section 88 of Chapter 3, Part 5 of the Localism Act</p>	<p>Part B, Questions 5-8.</p> <p>Evidence might include:</p> <ul style="list-style-type: none"> <li>Local stakeholder support for the nomination,</li> </ul>

	<p>land/buildings as an Asset of Community Value, with a view to potentially purchasing it, should the Council receive notification of the owner's intent to dispose?</p> <p>Is it realistic to think that (for current uses) the community use could continue or that (for uses in the 'recent past') there could be community use again <b>within the next five years?</b></p>	<p>See above</p>	<p>e.g. surveys, petitions etc.</p> <ul style="list-style-type: none"> <li>• Evidence of soundness of the process for gathering community feedback and views</li> <li>• Reference to and evidence from Parish Plan, Neighbourhood Plan and/ or other local document as to the importance of this asset locally</li> <li>• Evidence / testimonials from the community and/or Elected Members</li> <li>• Market testing / intelligence</li> <li>• Planning history / advice from SCDC Planning</li> <li>• Business plan</li> <li>• Survey reports</li> </ul>
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Following assessment of the nomination, officers will issue notice of the decision to all relevant parties. Please see the Council's 'Guidance and Procedure' document for further information.

## Nomination form for an Asset of Community Value (one nomination per form)

<b>Part A – The Nominating Group</b> (see non-discretionary assessment criteria)			
<b>A1</b>	Organisation Name		
	Organisation Address and Postcode		
<b>A2</b>	Contact Name		
	Position in Organisation		
	Correspondence Address		
	Daytime telephone number		
	Email address		
<b>A3</b>	<b>Description of organisation</b>	<b>Tick all that apply and supply evidence</b>	<b>Registration number (where applicable)</b>
	Parish Council		
	Body designated as a neighbourhood forum under the Town and Country Planning Act		
	Unincorporated bodies with at least 21 individual members and which does not distribute any surplus it makes to its members (see A6)		
	Charity		
	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 company		
	Other – please detail		

<b>A4</b>	<b>Distribution of Surplus Funds</b>	
	For groups other than parish councils, please provide evidence (see A6) that any surplus made by the group is wholly or partly applied for the benefit of the area covered by South Cambridgeshire District Council or a neighbouring authority area	

<b>A5</b>	<b>Unincorporated Bodies</b>	
	For a nomination from an unincorporated body to be valid, at least 21 members of the body must be included on South Cambridgeshire District Council's register of electors. Please include separately a list of these names and addresses as they appear on the electoral register. These details will be verified.	

<b>A6</b>	<b>Evidence of Organisational Status</b>	
	<b>Please provide a copy of the following as relevant to your organisation</b>	<b>Tick those provided ✓</b>
	Memorandum of Association	
	Articles of Association	
	Companies House return	
	Trust Deed	
	Constitution/ Terms of Reference	
	Standing Orders	
	Interest Statement for Community Interest Company	

<b>A7</b>	<b>Local Connection</b>	
	For groups other than parish councils, please provide details (including evidence – see question A6) of your group's local connection to the nominated asset, i.e. How your group's activities relate wholly or in part to the area covered by South Cambridgeshire District Council or a neighbouring authority area	

**Part B – The Nominated Asset** *(non-discretionary assessment criteria)*

<b>B1</b>	Asset Name	
	Asset Address and Postcode	

<b>B2</b>	<b>Owner and Occupier Details</b> <i>(non-discretionary assessment criteria)</i> Please provide all information available to you	
	<b>Owner(s)</b>	
	Name	
	Address	
	Status (delete as appropriate)	Current/ Last Known/Not Known/Not Applicable
	<b>Lawful Occupier(s)</b>	
	Name	
	Address	
	Status (delete as appropriate)	Current/ Last Known/Not Known/Not Applicable
	<b>Holder(s) of freehold estate (if not owner)</b>	
	Name	
	Address	
	Status (delete as appropriate)	Current/ Last Known/Not Known/Not Applicable
	<b>Holder(s) of any leasehold estate</b>	
	Name	
	Address	
	Status (delete as appropriate)	Current/ Last Known/Not Known/Not Applicable

<b>B3</b>	<b>Additional Information</b> ( <i>non-discretionary assessment criteria</i> )	
	Is the asset used wholly or partly as a residence?	<input type="checkbox"/> YES ( <i>provide details</i> ) <input type="checkbox"/> NO .....
	Is the asset, or part of the asset a hotel or otherwise principally used for letting or licensing accommodation to paying occupants?	<input type="checkbox"/> YES ( <i>provide details</i> ) <input type="checkbox"/> NO .....
	Is the asset covered by the Caravan Sites and Control of Development Act 1960?	<input type="checkbox"/> YES ( <i>provide details</i> ) <input type="checkbox"/> NO .....
	Is the asset defined as operational land under section 263 of the Town and Country Planning Act 1990, owned by statutory undertakers such as utility companies?	<input type="checkbox"/> YES ( <i>provide details</i> ) <input type="checkbox"/> NO .....

<b>B4</b>	<b>Maps and Drawings</b> ( <i>non-discretionary assessment criteria</i> )
	<p>For a community nomination to be valid, it must include a description of the nominated land, including its proposed boundaries.</p> <p>This could be:</p> <ul style="list-style-type: none"> <li>• Land Registry title information document and map with the boundaries clearly marked in red, if the land is registered. This should be recent, i.e. Less than one month old (Provision of Land Registry information is not essential, but it may help us to reach a decision on the nomination more quickly)</li> <li>• A drawing or sketch map with boundaries clearly marked in red</li> <li>• A written description with Ordnance Survey location, 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</li> </ul> <p><b>Please use the space below, and/or tick box to indicate the attachment of additional sheet</b> <input type="checkbox"/></p>

<b>B5</b>	<b>Current Use of Asset</b> ( <i>discretionary assessment criteria 2.1, 2.2, 2.3</i> )	
	What is the <b>current</b> and <b>main</b> use of the asset?	
	Over what period is this current and main use of the asset anticipated to continue?	
	Does the local community have legal and authorised use of the land/property?	Please tick (✓) <input type="checkbox"/> YES <input type="checkbox"/> NO
	Do you consider that the <b>current</b> and <b>main</b> use of the asset furthers the social well-being or cultural, recreational or sporting interests of the local community?	Please tick (✓) <input type="checkbox"/> YES <input type="checkbox"/> NO (If 'NO' please proceed to B6)
	<p>If 'YES' please explain in detail <b>HOW</b> the asset furthers social well-being, cultural, recreational or sporting interests of the local community. You should provide specific <b>evidence</b> to demonstrate the use of the asset, e.g. activity programmes, website links and/or verifiable dates and times of specific events.</p> <p><b>Please use the space below, and/or tick box to indicate the attachment of additional sheet</b> <input type="checkbox"/></p>	

<b>B6</b>	<b>Assets NOT <u>currently</u> used for community benefit</b> ( <i>discretionary assessment criteria 2.1, 2.2, 2.3</i> )	
	If the main use of the asset does not <u>currently</u> further the social well-being or cultural, recreational or sporting interests of the community, did it do so at some stage in the <b>recent past</b> ?	Please tick (✓) <input type="checkbox"/> YES <input type="checkbox"/> NO
	If 'YES' please explain in detail <b>HOW</b> the asset was used in the recent past to benefit the social well-being, cultural, recreational or sporting interests of the local community. You should provide specific <b>evidence</b> to demonstrate the use of the asset, e.g. activity programmes, website links and/or verifiable dates and times of specific events. <b>Please use the space below, and/or tick box to indicate the attachment of additional sheet</b> <input type="checkbox"/>	
	Please provide the dates during which the asset was used in this capacity	From: To:
<b>B7</b>	How do you anticipate that the asset would return to furthering the social well-being or cultural, recreational or sporting interests of the local community?	
	<i>This social benefit does not have to continue in the same way was before. E.g. A pub does not necessarily need to remain as a pub for the social benefit provided to return.</i>	
	When do you consider that the asset could realistically return to furthering the social well-being or cultural, recreational or sporting interests of the local community?  <b>Please provide approximate timescales</b>	

<b>B8</b>	Further Information
	<p>Please provide any further information or evidence to support your nomination of this asset for inclusion in the register of 'Assets of Community Value' maintained by South Cambridgeshire District Council.</p> <p><b>Please use the space below, and/or tick box to indicate the attachment of additional sheet</b> <input type="checkbox"/></p>

Attachment Checklist	(✓)
Evidence of organisation type (question A3) including a copy of Constitution / Standing Orders of parish council or other organisations	
Names and home addresses of 21 members registered to vote in nomination area (for constituted bodies)	
Copy of Land Registry Register View/ Official Copy register entries including title plan	
Additional plans (where applicable)	
Evidence of current or past community use (e.g. activity programmes, weblinks, verifiable event times / dates)	

**By signing your name here (if submitting by post) or typing it (if submitting electronically) you are confirming:**

- i) that the contents of this form are correct, to the best of your knowledge**
- ii) that the names and addresses provided in A5 (where applicable) are, to the best of your knowledge, as they appear on the electoral register**
- iii) that relevant operating rules or procedures of your organisation have been followed in making this nomination**

Name			
Role in organisation			
Signature		Date	

Please speak to one of our officers for information and guidance about the ACV nomination procedure on 01954 713070. Please send your completed form by email to: <a href="mailto:Partnerships@scambs.gov.uk">Partnerships@scambs.gov.uk</a>	Or by post to: Resource Officer –Health & Environmental Services South Cambridgeshire District Council Cambourne Business Park Cambourne CB23 6EA
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**Data Protection Act 2018 - Statement**

We will process the information provided in accordance with the Data Protection Act 2018 (GDPR) for the purposes of administering the Community Right to Bid procedure. The information provided will be stored securely by South Cambridgeshire District Council and will be destroyed after six years.

Information provided may be published on the Council's website and will be released in response to any reasonable request, subject to redaction of personal contact details (e.g. questions A2 & B2).