

Community Right to Bid

Assets of Community Value Nomination form

PRIVACY NOTICE – HOW WE USE YOUR PERSONAL INFORMATION

What personal information do you hold?

In order to process a nomination we require the name, address, telephone number and email address of the nominating body. We also require the contact details (name, address) of the owner/occupier of the nominated asset

Who is collecting it?

Local Land Charges and Economic Development, Mid Devon District Council, Phoenix House, Phoenix Lane, Tiverton EX16 6PP

How is it collected?

We collect the information on the nomination form and transfer it to our computer system

Why is it being collected?

Under the Localism Act 2011 – Community Right to Bid - The Assets of Community Value (England) Regulations 2012 we have a statutory duty to receive, process and make a decision on nominations for Assets of Community Value

How will it be used?

Personal information is used to process the nomination, to inform the owner(s) and other interested parties of the nomination, its progress and the eventual decision

Who will it be shared with?

We will share the personal contact details used to process the nomination with other internal departments within the council e.g. Local Land Charges, Planning, Legal Department, Gazetteer Management

What are you doing to ensure the security of personal information?

All ICT systems are accredited to Public Service Network standards with access restricted to relevant staff. All paper records are stored securely and we have a clear desk policy

How long will you be keeping the personal information for?

Records, which include personal details, are kept for the period of the nomination plus an additional 3 years after expiry

Part A - About the group making the nomination

A1. Organisation's name and address

Name of organisation

Registered address including post code

A2. Contact details; primary contact

Name

Position in organisation

Contact address including postcode

Daytime telephone number

Email address

A3. About the organisation; eligibility to nominate

What is the nature of the organisation?

If the organisation is not a Parish Council; what is your local connection?

If the organisation is not a Parish Council; provide details of how any surplus funds are distributed?

Evidence of eligibility to nominate

Please submit at least one of the following with your nomination:

- Memorandum of Association
- Articles of Association
- Companies House return
- Trust Deed
- Constitution / Terms of reference
- Standing Orders
- Interest Statement for Community Interest Company
- List of members who are included on Mid Devon's register of electors

Please select the document(s) most relevant to your organisation and ensure each document is recent/in date

Please confirm below which documents from the above list are attached

Part B - About the asset being nominated for inclusion in the list of Assets of Community Value (ACV)

B1. Name and address of asset being nominated

Name

Address including post code

Provide a description of the nominated land including its precise location and the proposed boundaries

Plan of the nominated land showing the boundaries in red

Please submit the following with your nomination:

- Where the land is registered, the Land Registry Title Information (less than one month old) comprising **title deed and plan**, with the boundaries of the asset clearly marked in red; or
- Where the land is not registered, an A4 Site Location Plan at a scale between 1:500 and 1:5,000, with the boundaries of the asset clearly marked in red (a black and white plan can be provided on request)

Please confirm the Title Number(s) of any documents submitted with your nomination

B2. Owner and occupier details

Name and address (including post code) of the current owner

Details (including full names) of all current lawful occupiers of the nominated land or buildings

Name and address (including post code) of any holders of the leasehold or freehold estate (please specify)

** The owner is taken to be the freeholder where there is no qualifying leaseholder, or the leaseholder most distant (in terms of intervening legal estates) from the freeholder, holding a lease granted for at least 25 years.*

What measures have been taken to discuss the nomination with the owner and what was the outcome of any conversation

B3. Assets exempt from nomination

Please confirm that nominated asset is not an excluded asset type (see below)

**Residential property (including private homes and hotels) is exempt, except where this use can be shown to be ancillary to the main use (e.g. where a pub with letting rooms derives the majority of its income from the pub use). Also excluded from being listed is any land licensed for use as a residential caravan site or the operational land of statutory undertakers.*

B4 Does the land or building nominated meet the definition of an asset of community value as set out in Section 88 of the Localism Act 2011 (the Act)?

**The council is obliged to list if the land in question satisfies EITHER the present and future test in s88 (1) of the Act OR the past and future test in s88(2) of the Act:*

The present and future test:

A building or other land in a local authority's area is land of community value if in the opinion of the authority

- (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

The past and future test:

A building or other land in a local authority's area is land of community value if in the opinion of the authority

- (a) 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***
- (b) 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.*

Detailed information about how the nominated asset furthers the social wellbeing or social interests of the local community

What is the **primary** use of the nominated asset?

When did the use of the asset for this purpose take place? (Provide dates/durations or state if the use is current/ongoing)

Was/is the use of the asset for this purpose by the local community legal and authorised?

Please explain, with examples, how this primary use of the nominated asset furthers, or has furthered, the social wellbeing or social interests of the local community

**Continue on a separate sheet as required and please submit documentary evidence in support of your nomination*

Describe any other uses that exist that would apply to all or part of the nominated land and/or building and explain the relationship of any other uses to the main use stated above

What proportion of the land and buildings nominated is affected by (a) the primary use, and (b) any other uses

Provide details of regular events that take place here and how they affect the local community

Are there any other facilities available to the local community that could host these events?

Has the asset been listed previously or any earlier nomination rejected? Please give details

Please explain, with examples, why it is **realistic** to think that any non-ancillary use of the nominated asset (whether or not in the same way) would further the social wellbeing or social interests of the local community in the future (“the future use”)

**Continue on a separate sheet as required and please submit documentary evidence in support of your nomination*

What do you consider the future use might be and why?

When do you consider the future use could commence and why?

What consideration has been given to the future management of the asset by the local community/a community group?

Who do you consider the future users of the asset might be and why?

What consideration has been given to (a) raising the funds if the opportunity to bid for the asset arises and (b) whether it would be financially viable to do so?

Please list any supporting documents that should be considered as part of the nomination

Part C - Declaration

By completing the declaration below you are confirming that the contents of this form are, to the best of your knowledge, relevant and accurate and that you are eligible to submit the nomination

Name

Title

Signed

Date

Please submit your completed form and supporting evidence to:

**Assets of Community Value
Mid Devon District Council
Phoenix House
Phoenix Lane
TIVERTON
Devon
EX16 6PP**

Email: acv@middevon.gov.uk