ASSETS OF COMMUNITY VALUE (ACV1)

Nomination Form

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| --- | --- |
| **Application reference number:** |  |
| **Received date:** |  |

**Please complete the form legibly and return to the address below.**

**Please mark as ‘Asset of Community Value Nomination Form, Confidential’ to:**

**ACV Nomination Application**

**Stirchley Baths Community Hub**

**2-4 Bournville Lane**

**Stirchley**

**B30 2JT**

**Tel: 0121 464 9072**

**Email:** **NDSU@birmingham.gov.uk**

# Where is the land or building that you wish to see listed as an asset of community value?

This is to assist in the initial processing of your enquiry.

Please attach a plan or map to this application showing the boundary of the asset to be listed, indicating where possible if it has is more than one owner. Google maps are useful for this purpose.

This is to assist with identifying the asset to be considered for listing and the freehold or leasehold ownership(s) for each part of it.

|  |  |
| --- | --- |
| **Description of the land and its boundaries:** |  |
| **Address:** |  |
| **Postcode:** |  |

# Who you are

## Applicant details:

Please provide the following details about your organisation

|  |  |
| --- | --- |
| **Full name of applicant organisation:** |  |
| **Address:** |  |
| **Postcode:** |  |
| **Website:** |  |

## Details of person to contact about this application:

|  |  |
| --- | --- |
| **Name:** |  |
| **Position in Organisation:** |  |
| **Telephone number:** |  |
| **Mobile Number:** |  |
| **Email address:** |  |

To assist with the initial processing of this application within Birmingham City Council please attach a copy of your organisation’s articles of association, memorandum, trust deed or constitution (as appropriate)

## What kind of organisation are you?

Please check the appropriate box to indicate the kind of organisation you are to confirm your eligibility to make the nomination. Please note that the Council may request further information regarding your eligibility before accepting this nomination.

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| --- |
| ***Parish Councils***This may be for an asset in its own area, or in the neighbouring parish council. NB there is currently only one Parish Council in Birmingham, at Frankley. |[ ]
| Neighbouring Parish CouncilsIf the parish council borders an un-parished area, then they may nominate an asset within the neighbouring district council or unitary council.  |[ ]
| Unincorporated GroupsNominations can be accepted from any unincorporated body whose membership includes at least 21 individuals who are local members (i.e. members who are registered at an address in Birmingham City Council’s area or in a neighbouring authority’s area, as local government electors in the register of local government electors), which does not distribute any surplus it makes to its members, whose activities are wholly or partly concerned with the area of Birmingham City Council or the area of a neighbouring authority’s area and which applies any surplus it makes wholly or partly for the benefit of the area of Birmingham City Council or a neighbouring authority. This would encompass any body meeting these requirements which is in the process of acquiring charitable status or in the process of being registered as a company limited by guarantee which does not distribute any surplus it makes to its members, an industrial and provident society which does not distribute any surplus it makes to its members, or a community interest company |[ ]
| Neighbourhood ForumsThere can only be one neighbourhood forum for an area and the way they are set up is clearly defined by the Council as a planning authority. The procedure for becoming a neighbourhood forum is set out in Section 61F of the Town and Country Planning Act 1990. NB in Birmingham most Neighbourhood Forums do not meet this definition and would fall into the category of being a community interest group. |[ ]
| Community interest groups with a local connectionThese must have one or more of the following structures * A charity
* A community interest company
* A company limited by guarantee that is non-profit distributing
* An industrial and provident society that is non-profit distributing

(These groups will be renamed as community benefit societies by the Co-operative and Community Benefit Societies and Credit Unions Act 2010 when it comes into force) e.g. co-operative societies. **NB** Most organisations seeking to nominate an asset are likely to fall into this category. Nonprofit distributing means that any surplus of the organisation is not distributed to its members but is wholly or partly applied to Birmingham or a neighbouring authority. | [ ]  |

## Local Connection

|  |
| --- |
| *Please describe below how your organisation has a local connection to Birmingham or a neighbouring authority. The Council may seek evidence to support your statement.* |
|  |

# Details of your organisation’s governance structure

Please confirm the following about your organisation and note that the Council carry out background checks into your organisation:

|  |  |
| --- | --- |
| **Neighbourhood Forum Registration:NB** Remember that in Birmingham, most Neighbourhood Forums do not meet this definition and would fall into the category of being a community interest group. |  |
| **Company registration number:** |  |
| **CIC registration number:** |  |
| **Charity registration number:** |  |
| **Friendly Society registration number:** |  |
| **Other:** |  |

*Please note the details above may be shared with other parts of the Council, third sector organisations and other community partners for the purposes of processing your application.*

# Who owns the asset in question?

## Is the Council the owner of the asset?

This may be confirmed by contacting the Council’s Property Records team.

**Email:** **ask.property.records@birmingham.gov.uk**

|  |
| --- |
| **Yes, the Council owns the asset**If yes, please proceed to Q6. |[ ]
| **No, the Council does not own the asset** |[ ]

## **Is the asset privately owned?**

If yes, please supply proof in the form of copy Title documents and plan.

This information is required if the asset is listed, and it would be helpful if these details could be supplied to assist the Council in contacting the owners in respect to the nomination for listing.

Information may be obtained online from [HM Land Registry](http://www.landregistry.gov.uk/)

**HM Land Registry,**

**Leigh Court,**

**Torrington Avenue,**

**Coventry,**

**CV4 9XZ**

**Tel: 0844 892 1111**

|  |  |
| --- | --- |
| **Owner 1** |  |
| **Name** |  |
| **Address** |  |
| **Leaseholder** |  |
| **Freeholder** |  |

|  |  |
| --- | --- |
| **Owner 2** |  |
| **Name** |  |
| **Address** |  |
| **Leaseholder** |  |
| **Freeholder** |  |

If there are more than two freehold or leasehold owners, please give their details on a separate sheet to accompany this application.

# Who are the current occupiers of the asset?

Please supply proof.

This information is required if the asset is listed, and it would be helpful to assist the Council in contacting the occupiers in respect to the application for listing.

Information may be available from HM Land Registry at their address above.

|  |  |
| --- | --- |
| **Occupier 1** |  |
| **Name** |  |
| **Address** |  |
| **Leaseholder** |  |
| **Freeholder** |  |

|  |  |
| --- | --- |
| **Occupier 2** |  |
| **Name** |  |
| **Address** |  |
| **Leaseholder** |  |
| **Freeholder** |  |

|  |  |
| --- | --- |
| **Occupier 3** |  |
| **Name** |  |
| **Address** |  |
| **Leaseholder** |  |
| **Freeholder** |  |

Please add the details of any other occupier of the asset on a separate sheet to accompany this application.

# Reasons for the Nomination

This is to assist the Council in deciding whether or not the asset meets the criteria for listing.

**See section 8 for guidance on ‘Definition of an asset of community value’.**

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| --- |
| *Please describe below the reasons your reasons for nominating the asset. Please also explain why you think it is of community value.* |
|  |

# Declaration

**This must be signed by the appropriate authorised officer in your organisation.**

The Council would like to receive as much information as possible.

Please confirm that:

* the information contained within this application is correct and complete
* the required supporting documents referred to in this application are attached:

|  |
| --- |
| **Site plan** |[ ]
| **Proof of ownership and occupation** |[ ]
| **Copy of Articles of Association/ Trust Deed/ Constitution (as appropriate)** |[ ]

|  |  |
| --- | --- |
| **Full Name:** |  |
| **Signature:** |  |
| **Date:** |  |
| **Position in organisation:** |  |
| **Email:** |  |
| **Contact number:** |  |

**Nomination by post:** Applications and supporting documents must be clearly marked as ‘Asset of Community Value Nomination Form, Confidential’ to the address given at the top of the form.

**Nomination by email:** Applications by electronic mail will be accepted. All supporting documents must be included as e-mail attachments with the nomination, otherwise it will not be considered. Nominations should be e-mailed to the address above.

**NB** Please retain a copy of this form for your records and should your circumstances or contact details change then please let the appropriate contact officer know.

*This information will be held in accordance with the Data Protection Act 1998 and information contained herein shared with officers and elected Members from Birmingham City Council and retained for 5 years.*

# Guidance

**Definition of an Asset of Community Value**

Section 88 (1) of the Localism Act 2011 defines an asset of community value as:

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

1. 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;
2. 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.

Social interests include (in particular) cultural, recreational or sporting interests

Section 88(2) of the Act extends this definition to land which has furthered social wellbeing or interests in the recent past, and which it is realistic to consider will do so again during the next five years. There is no definition as to what constitutes the recent past and this is left to the Council to determine.

**Exclusions**

There are some categories of assets that are excluded from listing.

The principal one is residential property. This includes gardens, outbuildings and other associated land, including land that it is reasonable to consider as part of the land with the residence where it is separated from it only by a road, railway line, river or canal where they are in the same ownership as the associated residence.

Details of this are set out in paragraphs 1 and 2 of Schedule 1 to the Assets of Community Value Regulations 2012.

There is an exception to this general exclusion of residential property from listing; where an asset which could otherwise be listed contains integral residential quarters, such as an accommodation as part of a pub or a care taker’s flat, the asset will not on that ground be excluded from listing.

There are two further categories of assets excluded from listing:

1. Land licensed for use as a residential caravan site (and some types of residential caravan site which do not need a licence), in paragraph 3 of Schedule 1
2. Operational land of statutory undertakers as defined in s 263 of the Town and Country Planning Act 1990, in paragraph 4 of Schedule 1 (e.g. land owned by utility companies, the civil aviation authority, the post office etc), which is organisations like the Post Office, Civil Aviation Authority, Transport providers, utilities, etc.