

GUIDANCE FOR NOMINATIONS FOR LISTING ASSETS OF COMMUNITY VALUE

The Royal Borough of Kensington & Chelsea is administering the Community Right to Bid process for Assets of Community Value on behalf of the London Borough of Hammersmith and Fulham as well as for sites within the Royal Borough itself. Completed forms should be submitted by e-mail to planning@rbkc.gov.uk or by post to Planning and Borough Development, Royal Borough of Kensington & Chelsea, Town Hall, Hornton Street, London, W8 7NX

For nominations on sites within the City of Westminster, please contact Westminster City Council (www.westminster.gov.uk)

Please read these guidance notes before making a nomination to list property or land as a community asset. If you have any queries, please contact planning@rbkc.gov.uk or ring our planning advice line on 0207 361 3012.

Who may nominate an asset?

Assets may not be nominated by individuals. Nominations may be made by the following types of community group only:

- Amenity societies or community interest groups with a local connection that are either a charity, a community interest company, a company limited by guarantee that is non profit distributing¹ or an industrial or provident society that is non profit distributing.
- Unincorporated groups of at least 21 local people who appear either on the electoral roll within the local authority where the asset is situated, or within a neighbouring local authority. This would include residents' associations and amenity societies not defined by (a);
- Neighbourhood Forums as set out in Section 61F of the Town and Country Planning Act 1990.
- Parish Councils may nominate an asset within their own parish area, or an asset in a neighbouring area that does not have its own Parish Council, or with which they have a shared border. At present there are no Parish Councils in Kensington and Chelsea or Hammersmith and Fulham.

What types of buildings / sites may be nominated?

Nominated assets may be owned by anybody, including the local authority, the Crown, businesses and private individuals. Nominated assets must meet the following criteria:-

- The current use of the building or land furthers the social wellbeing or interests of the local community as its primary purpose
- Future use of the building could reasonably be expected to continue such use within the next five years

¹ Non profit distributing means that any surplus is not shared with members but wholly or partly applied to the local authority area where the asset is based, or a neighbouring area.

What information must you supply?

Please complete the form as fully as possible. We require information about the individual making the nomination on behalf of their group, details of the group itself and also detailed information about the asset being nominated (for instance, if you are nominating a public house is it just the building you are nominating, or is there also a car park which you wish to include? If you don't tell us, we won't know.) Where you are not able to supply certain information (for instance the name of the registered owner of the building or site) please say so rather than leave the section blank.

We also require that you submit a site plan with the outline of the asset you wish to nominate in red and a statement to support your application. You are also advised that submitting additional documents to support your application will help us to speed up our decision. A list of the kind of evidence that would be useful can be found here ****link to decision form****

How much does it cost?

There is no charge. The new service is free.

How long will it take?

Provided we have enough information to make a decision at the beginning, we will aim to give you a decision on whether your nominated asset will be added to the Register of Assets of Community Value within eight weeks of accepting your nomination as valid. Otherwise we will come back to you and request further details, which will take longer.

Who will we consult?

The owner of the asset being nominated together with any tenants and leaseholders.

Where will the new Register be held, and how will people know about it?

The Register will be on the website for the Royal Borough of Kensington & Chelsea, with a link through from the websites for the London Borough of Hammersmith and Fulham. If the asset is eventually registered, it will also be recorded on the relevant authority's Local Land Charges Register, which is open to inspection at any time.

What happens if the owner wishes to dispose of a registered asset?

In most cases the owner will be obliged to contact the Council and inform them of their intentions, unless the asset falls within one of the exempt categories in the Act (details of these are available upon request). The Council will contact the group who have made the bid, who will then have six weeks to make a formal written request to the local authority be a potential bidder. The local authority will inform the owner. If no group registers a request within six weeks the owner may dispose of the asset immediately. If a request is registered, the group will then have six months to raise the necessary finance and bid. However **the owner is not obliged to sell the asset to the community group**, and may dispose of it to whomsoever they please. There are also a number of exceptions under which circumstances there is no community right to bid. This includes the gift of the land, transfer to family immediate members and inheritance. A full list of exemptions is found in the [Assets of Community Value \(England\) Regulations 2012](#).