



Aylesbury Vale District Council

Community nomination in respect of Alfred Rose Park, Aylesbury, Buckinghamshire

Notice under section 91 of the Localism Act 2011

1. The Nomination

On 7 October 2014 Aylesbury Vale District Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list the Alfred Rose Park, Aylesbury, Buckinghamshire as an asset of community value. The nomination was made by Aylesbury Town Council following a resolution of the Council dated 10 April 2014. A copy of the nomination is attached at Appendix 1 and the plan showing the boundaries of the nominated land is attached at Appendix 2.

A summary of the nomination is set out below:

- (a) A large attractive open space for recreational use. With interesting trees, well maintained grass areas, a fenced play space, cricket pitch, large climbing structure and a tarmac area with basketball hoop.
- (b) A copy of the registered title BM321095 indicates that the property is owned by Aylesbury Vale District Council.
- (c) The nomination does not include the Elmhurst Community Centre or the Alfred Rose Community Centre which form part of the above title.

2. The Law and Statutory Guidance

Under section 87 of the Act the Council must maintain a list of land of community value in its area. A building or other land is of community value if in the Council's opinion 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 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.

Under section 89 the Council can only include land in its list of assets of community value in response to a community nomination or where permitted by regulations. A community nomination in England can be made by a parish council in respect of land within its area or by a person that is a voluntary or community body with a local connection. Where a valid community nomination is made the Council must consider it and must accept the nomination if the land is within its area and is of community value

3. Decision and Reasons

The Council accepts the nomination by Aylesbury Town Council and includes the Alfred Rose Park, Aylesbury, Buckinghamshire in its list of assets of community value.

The reasons for this decision are as follows:

- (a) The land and structures comprising the Alfred Rose Park, Aylesbury, Buckinghamshire lie within the administrative area of Aylesbury Vale District and within the town of Aylesbury.
- (b) Aylesbury Town Council are eligible under section 89(2) b) (i) to make a community nomination in respect of the Alfred Rose Park.
- (c) The community nomination made by Aylesbury Town Council includes the matters required under regulation 6 of the Assets of Community Value (England) Regulations 2012.
- (d) The land and structures do not fall within a description of land which may not be listed as specified in Schedule 1 of the Assets of Community Value (England) Regulations 2012 (the Regulations)
- (e) The Council considers that the current use of the land and structures as an amenity area is not an ancillary use; that this use furthers the social wellbeing and social interests of the local community and that the land and structures are of community value.
- (f) The Council also considers it is realistic to think that there can continue to be non-ancillary use of the land and structures which will further the social wellbeing and social interests (whether or not in the same way) of the local community.

4. Next Steps

Alfred Rose Park, Aylesbury, Buckinghamshire will be included in the list of assets of community value maintained by the Council under section 87 of the Act.

In accordance with section 91 of the Act the Council will send this notice to:-

- (a) the owner of the land
- (b) the occupier of the land if the occupier is not the owner
- (c) Aylesbury Town Council as the nominee body

5. Consequences of Listing

The land will remain on the list of assets of community value for a period of 5 years from the date of this notice unless removed with effect from some earlier time in accordance with the provision of the Regulations.

Inclusion of the land in the list of community assets is a local land charge under the Local Land Charges Act 1975.

The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be added to the registered title of the land that "No transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene section 95(1) of the Localism Act 2011".

Under section 95 of the Act an owner must notify the Council by writing to the Head of Legal and Estates Services at Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF if they wish to enter into a relevant disposal of the land. Relevant disposal is defined in section 96 and (subject to exemptions in section

95(5) and Schedule 3 of the Regulations) means, a freehold disposal or the grant or assignment of a qualifying leasehold interest, with vacant possession.

A moratorium period is triggered by notification under section 95 to allow any community interest group to submit a written request to be treated as a potential bidder for the land. Owners are advised to refer to Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the land. **A disposal of listed land which contravenes the requirements of the Act and Regulations will be ineffective.**

6. Right of Review

In accordance with section 92 of the Act the owner of the land is entitled to request a review of this decision. The review will be carried out by a senior officer of the Council nominated by the Chief Executive. A request must be made in writing and received by the Council within 56 days of the date of this notice or such longer period as the Council may agree in writing. Please ensure that the request explains on what grounds the decision should be reviewed.

If a request is made the Council will complete the review within 56 days of receiving the request or such longer period as is agreed with the owner in writing. A request must be addressed to The Chief Executive, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

7. Right to Compensation

In accordance with paragraph 14 of the Regulations an owner or former owner of the land is entitled to claim compensation from the Council of such amount as the Council may determine, where they have incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.

A claim for compensation must be made in writing within 91 days of the loss or expense being incurred (or as the case may be) finish being incurred; must state the amount of compensation sought for each part of the claim and be accompanied by supporting evidence for each part of the claim.

If a claim is made the Council will consider the claim as expeditiously as possible. A request must be addressed to the Director of Finance at Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, Bucks HP19 8FF

8. Additional Help

Further information about assets of community value is available from the website <http://mycommunityrights.org.uk/community-right-to-bid/> If you need any additional support in relation disposal of the land, the right of review or right to compensation you are advised to seek independent legal advice.

Signed


Head of Legal Services and Estates Services

Dated 18 November 2014

Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Q1 Name and address of your organisation

Organisation name:	Aylesbury Town Council
Address and postcode:	Town Hall 5 Church Street Aylesbury Buckinghamshire, HP20 2QP
Registration number (if you are a charity, company, CIC or social enterprise)	

Q2 Please specify what type of organisation you are

Category	Tick ✓
Parish/Town Council	✓
Unconstituted / unincorporated Community Group whose members include at least 21 individuals who appear on the electoral roll	
Neighbourhood Forum designated as pursuant to section 61F of the Town & Country Planning Act 1990	
Industrial & Provident Society which does not distribute any surplus it makes to its members	
Company Limited by Guarantee which does not distribute any surplus it makes to its members	
Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004	
Charity	

Q3 Who should we contact to discuss this nomination?

Name:	Town Clerk
Address and postcode:	As above.
Telephone number	01296 425678
Email address	keithgray@aylesburytowncouncil.gov.uk

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?

Name of property:	Alfred Rose Memorial Park
Address and postcode:	Dunsham Lane Aylesbury Bucks HP20 2ER
Name of property owner	Aylesbury Vale District Council
Address and postcode:	The Gateway Gatehouse Road Aylesbury Bucks HP19 8FF
Telephone number	01296 585235
Email address (if known)	communityspaces@aylesburyvaledc.gov.uk
Current occupier's name (if different from property owner)	
Details of occupier's interest in property	

Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

Q5 Why do you feel the property is an asset of community value?

Please give as much information as possible about the current use of the asset i.e. what activities take place, what groups use the facility currently or in the recent past etc. Continue on a separate sheet if necessary. Definition of an asset of community value can be found in the guidance document.

Note: Any information entered into this section only may be copied and passed onto the owner of the property you are nominating.

Alfred Rose Park is a public park with recreational facilities. The site was formerly pasture land under the name 'Crown Leys'. The land was given to the town of Aylesbury by Alfred Rose, mayor between 1931 and 1932, in 1942.

- A large attractive open space with interesting trees and well maintained grass areas ideal for picnics and informal games.
- A fenced play space offering a wide range of play experiences designed for children aged 2-14 yrs.
- Large Wooden Climbing Structure designed for ages 8yrs and over located amongst the trees.
- A tarmac area with basketball hoop.

Q5 Why do you feel the property is an asset of community value?

- Grass cricket pitch which is available for hire during the cricket season.

For sports and recreational uses which encourages exercise and walking for members of the community keeping people fit and healthy.

<http://www.aylesburyvaledc.gov.uk/leisure-culture/parks-and-open-spaces/aylesbury/alfred-rose-memorial-park/>

Q6 What do you consider to be the boundary of the property?

Please give as much detail as you can and include a plan if possible.

Owned by Aylesbury Vale District Council who would have the site boundaries to this property through the Planning Department.

Attachment checklist

- Copy of group constitution (if applicable)
- Names and home addresses of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)
- Evidence of current community use e.g. activity programmes, website links etc

Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate

Signed:

Print Name: .. Keith Gray

Position in Organisation: ... Town Clerk

Date: 12/9/14

FOR OFFICE USE ONLY

Date received:		Decision deadline:	
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Appendix 2

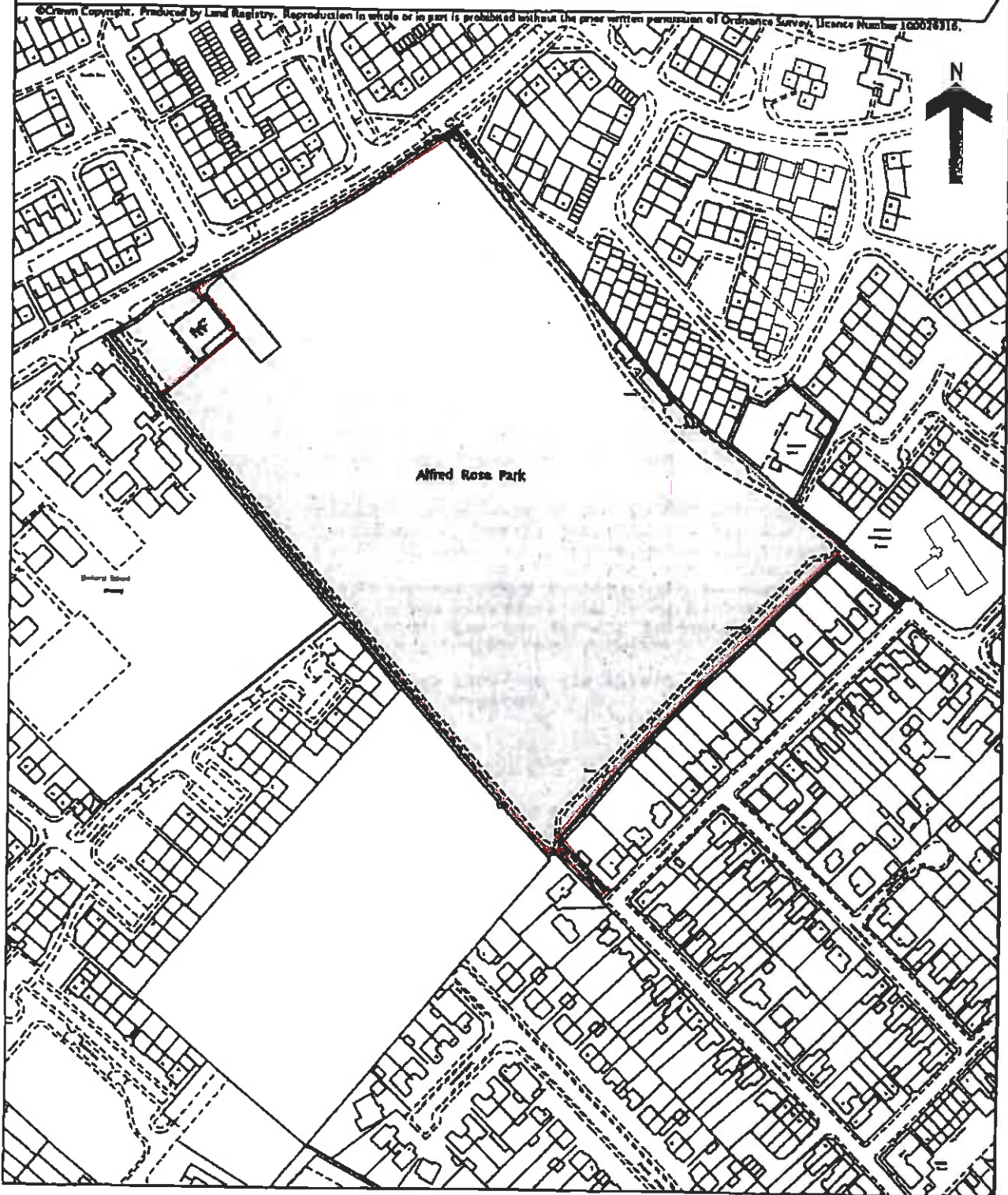
Alfred Rose Community Centre
marked AF.

Land Registry
Current title plan

Title number **BM321095**
Ordnance Survey map reference **SPB214NW**
Scale **1:2500** reduced from **1:1250**
Administrative area **Buckinghamshire :**
Aylesbury Vale



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This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 21 June 2013 at 10:15:41. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title plans and boundaries.

This title is dealt with by Land Registry, Leicester Office.