



Aylesbury Vale District Council
Community nomination in respect of
Hawkslade Community Centre, Orwell Drive, Aylesbury,
Buckinghamshire

Notice under section 91 of the Localism Act 2011

1. The Nomination

On 7 October 2014 Aylesbury Vale District Council ("the Council") received a nomination under section 89 of the Localism Act 2011 ("the Act") to list Hawkslade Community Centre, Orwell Drive, Aylesbury, Buckinghamshire as an asset of community value. The nomination was made by Aylesbury Town Council following a resolution of the Town 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) Hawkslade Community Centre provides the local community with various programmes for cultural, recreational, educational and social interests
- (b) it is a meeting place for engaging in social interaction and for residents to initiate talks and involvement in local issues and provides youth activities, a place of worship, exercise classes, adult learning and keep-fit
- (c) a copy of the freehold registered title BM178177 shows that the land is owned by Aylesbury Vale District Council, which also manages the Community Centre.

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 only be made by either 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 Hawkslade Community Centre, Orwell Drive, Aylesbury, Buckinghamshire HP21 9YL, in its list of assets of community value.

The reasons for this decision are as follows:

- (a) The land and building comprising Hawkslade Community Centre, Orwell Drive, Aylesbury, Buckinghamshire HP21 9YL ("Hawkslade Community Centre") lie within the administrative area of Aylesbury Vale District and within the town of Aylesbury.
- (b) Aylesbury Town Council is eligible under section 89 (2) b) (i) to make a community nomination in respect of Hawkslade Community Centre.
- (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 building does 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 building as a community centre is not an ancillary use, that this use furthers the social wellbeing and social interests of the local community and that the land and building is 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 building which will further the social wellbeing and social interests (whether or not in the same way) of the local community.

4. Next Steps

Hawkslade Community Centre 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 the 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 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

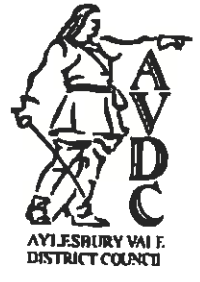
Dated 27 November 2014

VNS
PR126112
3/11/14

Hemel Hempstead Community Council

Community Right to Bid NOMINATION FORM

Aylesbury Vale District Council
29 MAY 2014
Legal and Estates
Services



Please use this form to nominate an asset of community value.

The form is split into three sections to enable you to give details about: (a) who you are; (b) the asset you wish to nominate and (c) what community value you believe the asset has. We ask for this specific information to help assess whether your nomination meets the requirements of the legislation relating to this community right.

Guidance notes are provided at the end of the form to explain in more detail what is required and we encourage you to read these either before or as you work through this submission.

Your nomination will be considered and responded to 8 weeks from the date that it is received and acknowledged.

Please submit your completed nomination form to the following address:

**Community Right to Bid
Legal and Estates Services
Aylesbury Vale District Council
The Gateway
Gatehouse Road
Aylesbury, Bucks
HP19 8FF**

or alternatively email it to:

righttobid@aylesburyvaledc.gov.uk

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:	Hawkslade Community Centre
Address and postcode:	Orwell Drive Aylesbury Bucks HP21 9YL.
Name of property owner	Aylesbury Vale District Council
Address and postcode:	The Gateway Gatehouse Road Aylesbury Bucks HP19 8FF
Telephone number	01296 392827
Email address (if known)	hawksladecc@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.

Provides local community with various programmes for cultural, recreational, educational and social interests as well as being a meeting place for engaging in social interaction for youth activities, a place of worship, exercise classes, adult learning, and keep fit. They provide a meeting place for residents to initiate talks and involvement in local issues.

<http://www.aylesburyvaledc.gov.uk/community-living/community-centres/avdc-managed-community-centres/hawkslade-community-centre/>

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

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 which would have the site boundaries of the property through their 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: 27/5/14

FOR OFFICE USE ONLY

Date received:

Decision deadline:

GUIDANCE NOTES

These guidance notes are provided to help you complete your Community Right to Bid nomination form.

The guidance is set out question-by-question for ease of use.

Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Q1 Your organisation

Enter the name and address of your organisation in this section.

Q2 Type of organisation

It is important you state which organisation type you are as only those shown here are currently eligible to nominate and all but unconstituted community groups are able to bid. Unfortunately any nomination received from any other body will not be accepted.

- Parish/Town Council
- 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
- Unconstituted/unincorporated Community Group whose members include at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring authority.
- Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004
- Charity

If you are a charitable organisation or company you must provide your charity number.

Q3 Who to contact about the nomination

Contact details

The contact name must be the same as the person signing the declaration overleaf. Ideally, this will be a member of the management team (chairperson, secretary or treasurer).

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?

Enter the full name and postal and address of the property you wish to nominate.

Owner It is very important that you include the details of the owner of the freehold interest in the property as the Council will need to contact the owner to inform them of the nomination and allow them to comment.

Q4 Which asset do you wish to nominate?

Current occupier The current occupier may not be the same as the property owner so it is important we advise all affected should the property be registered. You should therefore provide details of all tenants/occupants at the property.

It is particularly important that this question is completed as correctly and accurately as possible as this could delay the assessment of your nomination.

Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

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

In here you need to put why you feel the property currently boosts the social interest and social wellbeing of the local community or if it had in the past why it is realistic to think that it could in the future.

Definition of an asset of community value

A building or land is deemed to be of community value if, in the opinion of the council:

- its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and
- that use is not an ancillary one; and
- for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and
- It does not fall within one of the exemptions e.g. residential premises and land held with them.

Social interests include (a) cultural interests; (b) recreational interests; (c) sporting interests. Social well-being relates to social interaction and engagement. It is a sense of involvement with other people and their communities

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

We need to know the extent of the property you are nominating; this may include the car park area as an example. However, it should be noted that any area which is in the ownership of a statutory undertaker (i.e. electricity substation) cannot be registered.

If possible please include a plan with the boundary marked on it.

Checklist

What is a constitution?

A constitution sets out what the main aims of the organisation are and how the group will be governed. It details the structure of the group and how members will work together to achieve its aims (including how the management team are elected and how new members can join the group). It should detail the frequency and level of meetings i.e. every quarter and a yearly AGM and how finances will be dealt with. Examples of a constitution can be searched on the internet.

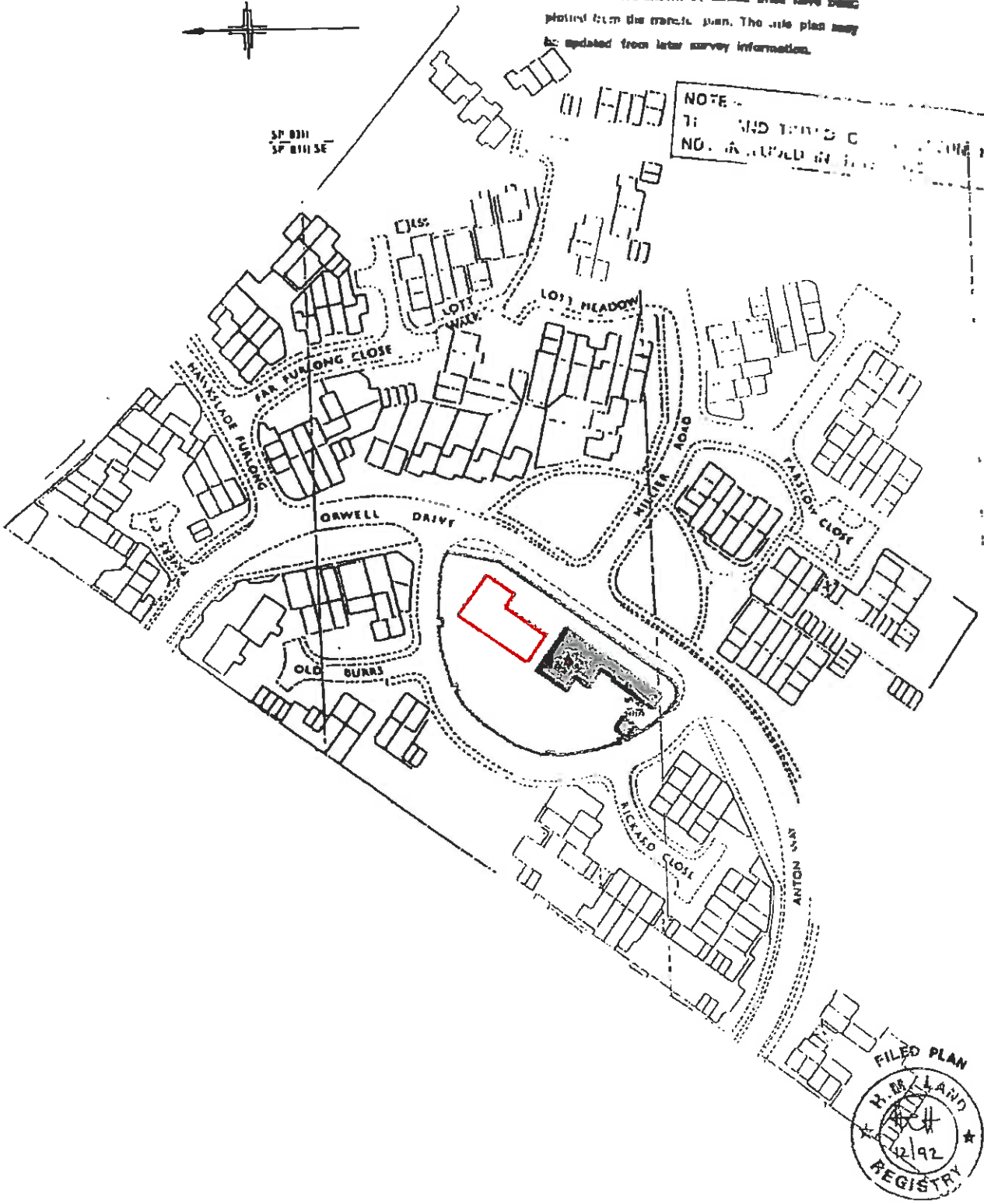
Hawkstone Community Centre

H.M. LAND REGISTRY		TITLE NUMBER BM 178177	
ORDNANCE SURVEY PLAN REFERENCE	SP 8111	SECTION L	Scale 1/1250
COUNTY	BUCKINGHAMSHIRE	DISTRICT	AYLESBURY WALE
			© Crown copyright 1991



The boundaries shown by dotted lines have been plotted from the Ordnance Survey plan. The title plan may be updated from later survey information.

NOTE:
The title plan shows the boundaries of the land as they were on 24 June 2013 at 17:15:08. The title plan may be updated from later survey information.



This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 24 June 2013 at 17:15:08. 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 18 - Title plans and boundaries.

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