



Aylesbury Vale District Council
Community nomination in respect of
The Childrens' Playground, Upper Street, Quainton,
Buckinghamshire

Notice under section 91 of the Localism Act 2011

1. The Nomination

On 28 April 2014 Aylesbury Vale District Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list the Childrens' Playground, Upper Street, Quainton, Buckinghamshire HP22 4AY as an asset of community value. The nomination was made by Quainton Parish Council following a resolution of the Parish Council dated 10 April 2014. A copy of the nomination, which includes the plan showing the boundaries of the nominated land, is attached at the Appendix.

A summary of the nomination is set out below:

- (a) the land is located at Upper Street, Quainton, Buckinghamshire HP224AY.
- (b) it comprises a play area for children under 14 years of age and includes a picnic area.
- (c) a copy of the registered title number BM384135 indicates that the land is owned by Buckinghamshire County Council, County Hall, Aylesbury Buckinghamshire HP20 1UA.
- (d) It is the sole play area for under 14s in the village.
- (e) It is situated in the centre of the village, in a secure area overlooked by housing and can be accessed safely by walking along a comparatively quiet road.
- (f) It has recently been refurbished with a range of play equipment.
- (g) It acts as a gathering point for parents waiting to collect their children from the adjacent school.

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 Quainton Parish Council and includes the Childrens' Playground, Upper Street, Quainton, Buckinghamshire HP22 4AY in its list of assets of community value.

The reasons for this decision are as follows:

- (a) The land and building comprising the Childrens' Playground, Upper Street, Quainton, Buckinghamshire HP22 4AY lies with the administrative area of Aylesbury Vale District and within the parish of Quainton.
- (b) Quainton Parish Council are eligible under section 89(2) b) (i) to make a community nomination in respect of the Childrens' Playground, Upper Street, Quainton, Buckinghamshire HP22 4AY.
- (c) The community nomination made by Quainton Parish Council includes the matters required under regulation 6 of the Assets of Community Value (England) Regulations 2012
- (d) The land 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 as a childrens' playground is not an ancillary use, that this use furthers the social wellbeing and social interests of the local community and that the land 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 which will further the social wellbeing and social interests of the local community.

4. Next Steps

The Childrens' Playground, Upper Street, Quainton, Buckinghamshire HP22 4AY 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) Quainton Parish 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.

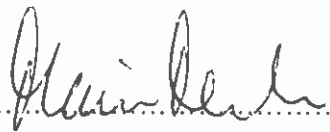
A claim for compensation must be made in writing within 91 days of the loss or expense being incurred (or as the case may be) finish being incurred; must state the amount of compensation sought for each part of the claim and be accompanied by supporting evidence for each part of the claim.

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 

Dated 12th June 2014

Head of Legal Services and Estates Services

Community Right to Bid NOMINATION FORM



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: QUANTON PARISH COUNCIL

Address and postcode: 8 TORBAY
QUANTON
BUCKS
HP22 4AX

Registration number
(if you are a charity, company,
CIC or social enterprise)

Q2 Please specify what type of organisation you are

Category

Parish/~~Town~~ Council

Tick ✓

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: MR DAVID WARNER (PARISH CLERK)

Address and postcode: AS ABOVE

Telephone number 01296-651354

Email address quainton.pc49@btinternet.com

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?

Name of property:	THE CHILDRENS PLAYGROUND
Address and postcode:	UPPER STREET QUANTON BUCKS HP22 4AY
Name of property owner	BUCKS COUNTY COUNCIL
Address and postcode:	COUNTY OFFICES WALTON STREET AYLESBURY BUCKS HP20 1UA
Telephone number	0845-3708090
Email address (if known)	customerservices@buckscc.gov.uk
Current occupier's name (if different from property owner)	QUANTON PARISH COUNCIL
Details of occupier's interest in property	TENANTS

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.

The village's sole play area for under 14's. Situated conveniently in the village centre on a comparatively quiet road, it is a well supported venue to which children can walk safely and play in a secure area overlooked by housing, giving parent's peace of mind that their children are relatively safe. Recently it was refurbished and has become an even more popular spot with users enjoying a range of play equipment including swings, a very popular zip wire, climbing frame and springy toys for the toddlers.

There is also a picnic area. It is particularly appreciated by mothers amusing little ones while awaiting their older children from the adjacent school and as a gathering point for social meetings of parents and children.

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.

Please see attached photograph and plan

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: *D.A. WALNER*

Position in Organisation: *PALISSE CREEK*

Date: *28th APRIL 2014*

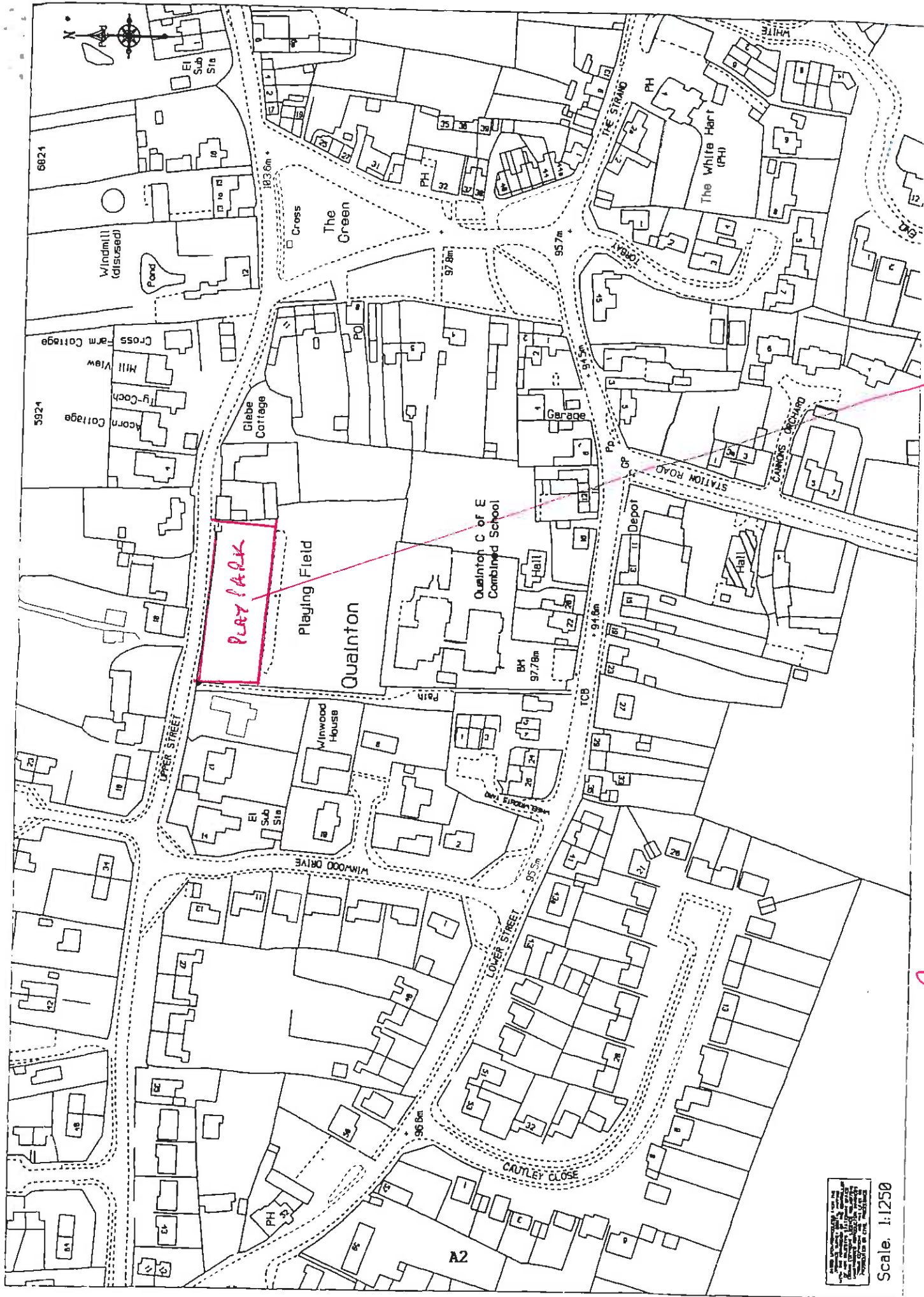
FOR OFFICE USE ONLY

Date received:

Decision deadline:

THE CHILDREN'S PLAYPARK.
UPPER STREET QUANTON





THE CHILDREN'S PLAYGROUND UPPER STREET QUALINTON*

Scale: 1:1250