

## **Assets of Community Value: Listing Decision Notice**

**Date of Nomination Application:** 02 November 2016

**Application Number:** ACV2/112016  
**Nominated Asset:** Lord Roberts shop, Webb estate, Purley  
**Site Address:** 12 Woodcote Lane, Purley, CR8 3HA  
**Ward:** Purley  
**Nominator:** Webb estate Community shop limited

**1. Outcome of Listing Decision:** Head of SCC Resources, Strategy Communities and Commissioning, as listing decision maker, having regard to the relevant statutory provisions within the Localism Act 2011 (“The Act”), the Assets of Community Value (England) Regulations 2012 (“The Regulations”) and in so far as is relevant, the non-statutory guidance (“Community Right to Bid: Non-Statutory advice note for local authorities”, October 2012), has considered the nomination application, the supporting documentation and the nomination report and concluded, for the reasons set out in the decision notice below that:

- a. The nomination does not satisfy the requirements of a community nomination
  - The application provides insufficient evidence of substantial recent or existing community use that furthers the social wellbeing or social interests of the local community.
  - The society only requires three signatures which have been provided, however additional signatures on the nomination form would have evidenced wider community support and strengthened the application.
- b. The Listed Asset should not be listed as an Asset of Community Value;
- c. Instructs that the asset be listed on the list of unsuccessful Community Nominations and that interested parties (and local land charges where relevant) be notified accordingly.

## **2. Background to Decision:**

1. The Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 set out the opportunities and procedures to follow for communities wishing to identify assets of community value and have them listed.
2. The Council is required to list an asset only in response to a valid community nomination and provided that the land is of community value.
3. Land is land of community value if, in the opinion of the Council:

o an actual current use (not an ancillary use) of the building or other land is one that furthers the social wellbeing or social interests of the local community; AND  
o it is realistic to think that there can continue to be non-ancillary use of the building or other land that will further the social wellbeing or social interests of the local community (whether or not in the same way as the current use).

[Section 88(1)(a) & (b)]

**OR**

o there was a time in the recent past when an actual use (not an ancillary use) of the building or other land is one that furthered the social wellbeing or interests of the local community; AND  
o it is realistic to think that there is a time in the next 5 years when there could be non-ancillary use of the building or other land that would further the social wellbeing or social interests of the local community (whether or not in the same way as before).

[Section 88(2)(a) & (b) of the Act]

### **3. Nominator:**

The Statutory requirements which the Nominator must meet in order to be eligible to make a community nomination within the meaning of the Act are set out below with the listing officers' assessment of each requirement. If the Nominator does not meet the statutory requirements, there is not a valid application before the Council.

a. Is the nominator a voluntary or community body within the meaning of Regulation 5?

The Nominator has set up a Community Benefit Society, which has listed three individuals as members, and has stated that it does not distribute any surplus it makes to its members.

b. Does the nominator have a local connection within the meaning of Regulation 4 of the Regulations and Section 89(2)(b)(ii) of the Act?

(i) Are the body's activities wholly or partly concerned with the local area or with a neighbouring authorities' area?

Assessment: Yes

(ii) For a nominator within the meaning of Regulation 5(1)(c) (e) or (f) – is any surplus it makes wholly or partly applied for the benefit of the local authority area or for the benefit of a neighbouring authority area;

Assessment: Yes – the nominators have stated, and there is no evidence provided to the contrary, as follows: “The society is committed to:

- Trading for the benefit of the community, and not for anyone's private benefit
- Retaining profits and applying profit to the advance the society's purpose.

(iii) For a nominator within the meaning of Regulation 5(1)(c) – does it have “Local Members”?

Assessment: Local members are defined by Regulation 4(3) as meaning a member who is registered, at an address in the local authority's area or in a neighbouring authority's area, as a local government elector in the register of local government electors kept in accordance with the provisions of the Representation of the People Acts.

The three members of the society were registered to vote at local addresses provided at the time of the nomination application.

#### **4. Does the Contents of the nomination meet the requirements of Regulation 6 for a Community Nomination?**

The Council may only list a building or other land pursuant to a valid community nomination. The statutory requirements for a valid community nomination are set out below followed by the reviewing officers' assessment of the requirements:

a. Includes a description of the nominated land including its proposed boundaries  
Assessment: Yes

b. Statement of all the information which the nominator has with regard to names of current occupants of the land and the names of the current or last-known addresses of all those holding a freehold or leasehold estate in the land  
Assessment: Yes

c. Evidence that the nominator is eligible to make a community nomination  
Assessment: Yes – a local connections have been sufficiently evidenced.

#### **5. Assessment**

The nominator's reasons for thinking that the responsible authority should conclude that the land is of community value

Assessment: Partial - Limited details have been provided in the nomination form submitted by the nominator of reasons why the nominator considers that the land is of community value. It is not possible to conclude there has been substantial recent or existing community use that furthers the social wellbeing or social interests of the local community.

In SECTION 3 on the Croydon council's nomination form states - *'Applicants are requested to present their argument that the nominated asset meets the statutory definition. Please do not make unsupported statements or generalisations such as, 'a lot of people use the centre (or used to use if it has closed)', or, 'the pub serves good food'.*

*You need to say something like, 'the centre has been used 15 times in the past year by a karate club, 23 times by a bingo group, 12 children's parties have taken place and 124 local people are paid up members of the bar'. You should then get supporting statements from the organisers of the groups, a copy of the bookings diary, and testimonials from parents who have hired the premises for their children's parties and a list of members. If you think the pub serves good food, has it won*

*awards? Does it have excellent reviews on reputable online review sites? You may not be able to substantiate everything with solid evidence, but any supporting information will strengthen your case.*

**Review Decision**

**I confirm that:**

**Nominated Asset:** Lord Roberts shop, Webb estate, Purley  
**Site Address:** 12 Woodcote Lane, Purley, Surrey, CR8 3HA

Should not be an Asset of Community Value and included on the Council's Register of Assets of Community Value and placed on the Local Land Charge Register / included on the list of unsuccessful Community Nominations and that interested parties be notified accordingly.

Date: 28 December 2016

Name: Genine Whitehorne

Title: Head of SCC Resources, Strategy Communities and Commissioning

Signature: *Signature redacted*-----