

OVER KELLET PARISH COUNCIL

**Parish Council Meeting to be held at the Over Kellet Village Hall on
Tuesday, 11th July 2023, commencing at 7.15pm**

A G E N D A

1. **Apologies.**
2. **Minutes of the Parish Council Meeting held on Tuesday, 13th June 2023** (attached).
3. **Declarations of Interest.**
4. **Planning Applications.** To consider and comment on the following new planning application consultations received since the last meeting.

Application No:	Description
23/00654/LB	Listed building application for removal of a rooflight to the rear, installation of two log burners with flues, replacement stairs to the ground and first floor, replacement doors to front elevation, installation of doors to the front, replacement door to window, relocation of ground floor toilet, removal of internal partition walls and reconfiguration of layout to Beehive, open store ground and first floors. Capernwray Hall, Borwick Road, Capernwray. <div>Consultation Expiry Date: 6th July 2023</div>

5. **Planning Authority Decisions.** To receive an update on previously considered applications. Clerk's report attached.
6. **Procedure for the Designation of Community Assets.** Report of the Parish Clerk attached.
7. **Current Issues.**
8. **Public Discussion and Update Reports.** To adjourn the meeting for a period of public discussion and to provide 'information only' updates on activities in recent weeks. (Note: Any matters needing a 'decision' will be considered as an agenda item at a future meeting).
 1. Public discussion
 2. Clerk's report on activities and correspondence since the last meeting
 3. Members updates and reports since the last meeting, including:

1) LALC	2) Quarries	3) Village Hall
4) Lengthsman	5) Other Matters	
 4. Report of District and County Councillors
9. **Payments.** To authorise payment of accounts. Report attached.
10. To confirm the **date and time of the next meeting.**

Derek Whiteway, Parish Clerk
5th July 2023

Tel: 01524 64908
Email: clerk@overkelletpc.org

OVER KELLET PARISH COUNCIL

Minutes of the Meeting of the Parish Council, held at the Over Kellet Village Hall on Tuesday, 13th June 2023 at 7.15pm

Present: Councillor Graham Agnew – Chairman
Councillors David Burns, Josie Candlin, Derek Johnson, Joan Littlewood and Liz Moody.
County Councillor Phillippa Williamson and City Councillor James Sommerville (part)
Derek Whiteway (Parish Clerk)

In attendance: 8 members of the public.

23/028 Apologies For Absence:

Apologies were received from Councillor William Candlin.

23/029 Minutes of the Annual Meeting of the Parish Council, held on Tuesday, 16th May 2023

Resolved: That the Minutes of the Annual Meeting of the Parish Council, held on Tuesday, 16th May 2023 be approved and signed

Matters Arising from the Minutes

(1) Minute 23/024(2) - Request from Eagles Head Landlord

No further progress. It was noted that the pub's lease had expired and the business was currently closed.

(2) Minute 23/025(1) – Community Assets

Action: The Clerk will present a report to the next meeting of the Parish Council.

(3) Minute 23/025(2) – Roadside Parking at Cockle Hill

County Councillor Williamson provided an update. The County Council's view was that contrasting views on the parking needed to be balanced, along with the fact that there had been no serious accidents. Residents were advised to report any dangerous driving to the Lancashire Road Safety partnership (LRSP) and any obstructive parking to the Police.

City Councillor James Sommerville joined the meeting at this point.

(4) Minute 23/025(4) – Footpath FP0124009

No further progress.

(5) Minute 23/025(7) – Benches for Church Bank

The Clerk provided details of a quotation received from Glasdon Ltd for different styles of picnic bench.

OVER KELLET PARISH COUNCIL

Resolved: Councillor Johnson proposed, seconded by Councillor Littlewood and carried unanimously, that two picnic benches with wheelchair access be purchased.
Action: The Chairman and Clerk to liaise with the Parish Lengthsman to organise installation.

23/030 Declarations of Interest

No further declarations or changes to existing declarations were made.

23/031 Election of Officers and Representatives on Outside Bodies and Groups

Councillors resolved the following Councillor roles and appointments for the 2-23/24 Municipal Year.

- a) Trustees of Thomas Withers Charity. Vacant trustee position to be advertised in Over Kellet View.
- b) Lancashire Association of Local Councils: Councillor Agnew
- c) Quarry Liaison Committee: Councillor Johnson
- d) Village Hall Committee: Councillor Josie Candlin to be nominated as a trustee.
- e) Lengthsman liaison: Councillor Agnew
- f) The Kellets Twinning Association. No nomination at this time
- g) Allotments Association: Councillor Josie Candlin to discuss the role with the Allotments Association Secretary.
- h) Emergency Planning Group: Councillors Agnew and Littlewood

OVER KELLET PARISH COUNCIL

23/032 New Planning Consultations

The following new planning applications were considered. It was resolved to respond as set out against each individual case.

Application No:	Description
23/00570/FUL	Demolition of existing rear extension and erection of two storey rear extension with construction of dormer extension to the side, erection of single storey extensions to front and both side elevations, creation of a flue, creation of additional hard standing and landscaping, installation of a sewage treatment plant. Havelock House, Borwick Road, Capernwray. Resolved: No comments submitted
23/00580/AD	Agricultural determination for the erection of 5 silos. Lower Addington Farm, Birkland Barrow Road, Nether Kellet. Resolved: No comments submitted

23/00518/FUL Erection of a dwelling (C3) with associated access. Land At Grid Reference E352250 N470040, Kirkby Lonsdale Road, Over Kellet.

The Parish Council reviewed its previous decision (minute 23/022) not to comment on this application. Further public and statutory consultee comments had been added to the case since the Parish Council considered the application on 13th May 2023. Following discussion, Councillors voted as follows:

Councillor Agnew proposed, seconded by Councillor Johnson that the Parish Council should respond, not objecting in principle, but asking that the City Council gives due consideration to all consultee comments submitted.

By way of an amendment, Councillor Josie Candlin proposed, seconded by Councillor Littlewood, that the Parish Council should respond objecting to the application. On voting, the amendment was lost by 4 votes to 2.

Councillors then voted on the initial proposal, which was carried by 4 votes to 2.

Resolved: That a consultation response be submitted not objecting to the application but asking that the City Council gives due consideration to all consultee comments submitted.

23/033 Update on Previous Planning Applications

Councillors noted the report.

Action: Councillors agreed to monitor progress with a potential development site off the Kirkby Lonsdale Road, which was currently for sale.

OVER KELLET PARISH COUNCIL

23/034 Current Issues

No matters discussed.

23/035 Adjournment For Public Discussion and Information Only Updates:

Reports From Members of The Public:

1. Footpaths

Following an enquiry from a member of the public, updates on progress with previously reported footpath issues, particularly those relating to vehicular access to FP0124012 between Church Bank and Greenways, were discussed.

Action: The Parish Council will continue to seek resolution of ongoing footpath issues.

2. Highway Hedgerows

Following comments from a member of the public, Councillors discussed the condition of roadside and public right of way (PRoW) hedgerows in the Parish.

Action: The condition of hedgerows will be reported to Lancashire County Highways and PRoW as necessary.

Clerk's Report:

3. Enquiry from Headteacher of the Wilson's Endowed School

Councillors considered an enquiry from the Headteacher about possible funding to allow a refurbishment of the school's play area and provision of a new slide. The play area is a community facility, available for public use out of school hours. The Clerk provided an update on Parish Council funds available for such purposes and on potential sources of external funding. Following discussion, Councillors agreed in principle to support the request and that the proposals should be pursued with the Headteacher, with an initial focus on exploring external funding sources.

Action: The Parish Council will liaise with the Headteacher regarding the proposals and an exploration of potential sources of funding.

Members' Reports:

4. **LALC.** Nothing to report.
5. **Quarries.** Nothing to report.
6. **Allotments.** Nothing to report.
7. **Village Hall.** Nothing further to report.
8. **Lengthsman.** Nothing further to report.
9. **Other Matters.** Nothing further to report.

OVER KELLET PARISH COUNCIL

City and County Councillors' Reports:

No further reports

23/036 PAYMENT OF ACCOUNTS

Payee & Detail	£
Over Kellet Village Hall Hire of Hall on 16 th May 2023	14.00
Glasdon Ltd – Bench for Kellet Road	1,000.80
Derek Whiteway – Parish Clerk salary and expenses, May 2023	214.50
HMRC – PAYE deductions, May 2023	50.80

Resolved: That the above accounts are approved for payment

23/037 DATE & TIME OF NEXT MEETING

The next Council meeting is to be held on Tuesday, 11th July 2023 at the Over Kellet Village Hall, commencing at 7.15pm.

The meeting closed at 9:10pm

Clerk of the Council

Chairman

Date:

Agenda Item: 5

Planning Application Comments & Decisions

Update for June – July 2023

Application Number / Description	Parish Council Comment	Planning Authority Decision / Status
Part A – Applications decided since the last update		
23/00518/FUL Erection of a dwelling (C3) with associated access. Land At Grid Reference E352250 N470040, Kirkby Lonsdale Road, Over Kellet.	Resolved: No comments submitted (Minute 23/022) Resolved: A consultation response be submitted not objecting to the application but asking that the City Council gives due consideration to all consultee comments submitted. (Minute 23/032)	Application Refused
23/00525/FUL Erection of a single storey side extension, construction of raised decking to the rear and installation of solar panels to the front elevation. Parklands View, Borwick Road, Capernwray.	Resolved: No comments submitted (Minute 23/022)	Application Withdrawn
23/00458/FUL Retrospective application for the erection of a single storey rear extension. 7 Craggs View, Over Kellet	Resolved: No comments submitted (Minute 23/022)	Application Permitted
22/01328/REM Reserved matters application for the approval of layout, scale, appearance, and landscaping following planning permission 22/00562/VCN for the development of 8,397sqm of employment (Use Classes B1(c), B2 and B8). Land Adjacent To Porsche Centre South Lakes 1 Electric Drive Carnforth	Resolved: No comments to be submitted (Minute 22/075)	Application Permitted

Part B – Undecided Applications

22/00237/CCC and LCC/2022/0006 County Council Consultation request for the variation of condition 1 of planning permission LCC/2016/0061 to allow for continued operation of the concrete batching plant until 21 February 2034, with all buildings, plant and associated equipment being removed and the site restored by 21 February 2035. Dunald Mill Quarry, Long Dales Lane, Nether Kellet.

Resolved: No comments to be submitted (Minute 21/118)

22/00034/ENF Appeal against enforcement notice for operation of haulage business. Field At Grid Reference 351950 471570, Netherbeck, Carnforth.

Resolved: A response is to be submitted expressing the Council's consistent objection to the development of a haulage business at this site, reiterating concerns over flooding and including satellite images illustrating changes to the site over the past 10 years. (Minute 22/047)

22/01203/FUL Change of use of open space for the siting of 9 caravans with associated internal road, parking spaces, hardstanding and drainage and construction of a pond. McCarthy Caravan Parks, Castle View Park, Borwick Road, Capernwray.

Resolved: No comments to be submitted (Minute 22/060)

23/00059/FUL Erection of workshop, relocation of carpark including level alterations and associated drainage. Porsche Centre South Lakes, 1 Electric Drive, Carnforth.

Resolved. No comments to be submitted (Minute 22/105)

22/01328/REM Reserved matters application for the approval of layout, scale, appearance, and landscaping following planning permission 22/00562/VCN for the development of 8,397sqm of employment (Use Classes B1(c), B2 and B8). Land Adjacent to Porsche Centre South Lakes, 1 Electric Drive, Carnforth.

Resolved: No comments submitted (Minute 23/022)

23/00509/FUL Erection of two storey side extension, construction of hip to gable extension, construction of raised decking, installation of external steps, erection of a carport and erection of an erection of outbuilding to create ancillary accommodation in association with Old Watermill. Old Watermill, Capernwray Road, Capernwray.

Resolved: No comments submitted (Minute 23/022)

23/00570/FUL Demolition of existing rear extension and erection of two storey rear extension with construction of dormer extension to the side, erection of single storey extensions to front and both side elevations, creation of a flue, creation of additional hard standing and landscaping, installation of a sewage treatment plant. Havelock House, Borwick Road, Capernwray.

Resolved: No comments submitted (Minute 23/032)

23/00580/AD Agricultural determination for the erection of 5 silos. Lower Addington Farm, Birkland Barrow Road, Nether Kellet.

Resolved: No comments submitted (Minute 23/032)

Over Kellet Parish Council

Meeting Date: 11th July 2023

Agenda Item:

6

Report of: The Parish Clerk

Nomination of Assets of Community Value (ACVs)

1. Introduction

This report is submitted in response to a suggestion from a parishioner that the Parish Council, as part of its future planning processes, might consider nominating certain parish facilities as an ‘Asset of Community Value’ (ACV). The responsibility for maintaining a list of nominated ACVs lies with the District Council (i.e. Lancaster City Council). The report is an initial outline of the scheme and process.

An Asset of Community Value is defined as: *A building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future.* The Localism Act states that ‘social interests’ include cultural, recreational and sporting interests.

2. Detail

A range of guidance downloaded from the ‘MyCommunity’ website is appended to this summary report, as is the City Council’s latest list, which currently contains just three entries.

Key points for Councillors to note and consider are:

- a) A Parish Council is an appropriate body to propose nomination of an ACV. A nomination may also be proposed by an unconstituted community group consisting of at least 21 members;
- b) If accepted by the City Council, the ACV will remain on the list for 5 years;
- c) Being on the list invokes two moratorium periods if the owner wishes to sell the ACV (other than as a going concern). The first is a six-week period for a community organisation to decide if they want to be considered as a potential bidder. The second is a six-month period during which a community organisation can develop a proposal and raise the money required to bid to buy the asset;
- d) During a moratorium period, the owner of the asset cannot conclude the sale, providing local community groups with a better chance to raise finance, develop a business and to make a bid to buy the asset on the open market;
- e) The Community Right to Bid does not give a community organisation the right of first refusal to buy an ACV included on the local authority’s list.
- f) The Government offers the potential for capital and revenue grant funding via its Community Ownership Fund. Raising ‘match funding’ will also be required.

3. Observations and Conclusions

The Parish Council is appropriately placed to nominate an ACV if it is so minded, and the procedure does not appear unduly demanding. A proposed sale of an ACV, however, would trigger a substantial project should the community wish to pursue the option of making a bid. The Parish Council may therefore wish to gauge parishioners' views on any proposed nomination.

Listing an ACV provides the community with some 'security' in terms of the moratorium periods, during which a community bid may be considered and developed. On the other hand, nominating an ACV only seems appropriate if there is likely to be sufficient local support to enable funding to be raised for the purchase and commitment for the long-term delivery of the business thereafter.

4. Recommendation

That Councillors consider whether to consider further at this stage the option of nominating ACVs within the parish.

Attachments:

1. Guide - What are Assets of Community Value (MyCommunity)
2. Understanding-the-Community-Right-to-Bid (MyCommunity)
3. Community-Right-to-Bid-Step-3-Nominating-an-asset-of-community-value (MyCommunity)
4. List of Assets of Community Value. (Lancaster City Council)

Links

1. Government Community Ownership Fund:
<https://www.gov.uk/government/publications/community-ownership-fund-prospectus/community-ownership-fund-prospectus--3>
2. MyCommunity Guidance: <https://mycommunity.org.uk/what-are-assets-of-community-value-acv>

What Are Assets of Community Value?

From: <https://mycommunity.org.uk/what-are-assets-of-community-value-acv>

Assets of Community Value (ACV) form a part of the Community Right to Bid.

It acts as the first stage in identifying and nominating buildings or other assets such as land that have a main use or purpose of furthering the social wellbeing or social interests of the local community, and could do so into the future.

Once listed as Assets of Community Value with the local authority, the local community will be informed if they are listed for sale within the five year listing period. The community can then enact the Community Right to Bid, which gives them a moratorium period of six months to determine if they can raise the finance to purchase the asset.

What defines an Asset of Community Value?

An Asset of Community Value is defined as: A building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that 'social interests' include cultural, recreational and sporting interests.

The regulations list a number of situations where land or buildings are exempted from inclusion on the list or operation of the moratorium. These include:

- homes
- hotels
- assets being transferred between kindred businesses
- Church of England land holdings.

How do you nominate an Asset of Community Value?

A number of community organisations can nominate land and buildings for inclusion on the list:

- parish councils
- neighbourhood forums (as defined in Neighbourhood Planning regulations)
- unconstituted community groups of at least 21 members
- not-for-private-profit organisations (e.g. charities).

Community organisations also have to have a local connection, which means their activities are wholly or partly concerned with the area, or with a neighbouring authority's area.

Decisions and appeals

If a community organisation nominates land or buildings that meet the definition of an Asset of Community Value, and the nomination process was undertaken correctly (i.e. came from a group entitled to nominate), then the local authority must include the asset on its list.

Assets will remain on the list for at least five years. If the council decides that the nomination doesn't meet the criteria, then they must write to the group who nominated the asset and provide an explanation. They must also keep a list of unsuccessful nominations for at least five years. Landowners can ask local authorities to review the inclusion of an asset on the list, and this triggers an appeal to an independent body, called a First Tier Tribunal.

Moratorium Periods

The Community Right to Bid does not give the right of first refusal to community organisations to buy an asset that they successfully nominate for inclusion on the local authority's list. What it does do is give time for them to put together the funding necessary to bid to buy the asset on the open market. If an owner wants to sell property/land that is on the list, they must tell the local authority. If the nominating body is keen to develop a bid, they can then call for the local authority to trigger a moratorium period, during which time the owner cannot proceed to sell the asset.

There are two moratorium periods. Both start from the date the owner of the asset tells the local authority of their intention to sell. The first is the interim moratorium period, which is six weeks, during which time a community organisation can decide if they want to be considered as a potential bidder. The other is a full moratorium period, which is six months, during which a community organisation can develop a proposal and raise the money required to bid to buy the asset. The regulations list some situations where the Moratorium will not be applied, even when it is an Asset of Community Value on the list. These include:

- If the disposal is a gift
- If the disposal is made between members of the same family
- If the land or building being disposed of is part of a bigger estate
- If the disposal is of a building or piece of land on which going-concern business is operating, provided that the sale is to a new owner to continue the same business (for example if an owner of a pub wants to sell the pub to a new owner, to continue running it as a pub).

During a moratorium, the owner of the asset cannot conclude the sale.

Why are Assets of Community Value and the Community Right to Bid important?

In neighbourhoods across the country there are buildings and amenities that are integral to the communities that use them. This could be a village shop, a pub, a community centre or a library for example. Many provide a base from which to deliver public services to the local community. The closure or sale of such buildings and amenities can create lasting damage in communities and threaten the provision of services.

Assets of Community Value and the Community Right to Bid offers greater opportunity for communities to keep such buildings in public use and ensure they remain a social hub for the community.

My Community

Community Right to Bid

Understanding the Community Right to Bid



The Social
Investment
Business



Understanding the Community Right to Bid

The Community Right to Bid (Assets of Community Value in legislation) is one of a raft of new initiatives introduced in the Localism Act 2011, and comes into force when it has completed its final Parliamentary stage in Autumn 2012.

The Community Right to Bid allows communities and parish councils to nominate buildings or land for listing by the local authority as an asset of community value. An asset can be listed if its principal use furthers (or has recently furthered) their community's social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future. When a listed asset comes to be sold, a moratorium on the sale (of up to six months) may be invoked, providing local community groups with a better chance to raise finance, develop a business and to make a bid to buy the asset on the open market.

Background

The Localism Act

The Localism Act 2011 includes new freedoms and flexibilities for local government. It also introduces new rights and powers for individuals and communities to take over public services, community assets and influence planning and development. This includes the Community Right to Bid. The other main new rights are Community Right to Challenge and Community Right to Build.

The other Community Rights

Community Right to Build

Community Right to Build is a new power that gives local organisations the right to bring forward small-scale community-led

developments. The new right forms part of the Neighbourhood Planning provisions in the Localism Act that give parish councils, or neighbourhood forums the right to develop plans for their area. Development proposals in neighbourhood plans, and Community Right to Build will need to be agreed through an independent examination, and have the agreement of 50% of people who vote through a community referendum. Local Authorities have a duty to assist and advise community organisations, which are also free to involve partners such as developers or housing associations.

Community Right to Challenge

Community Right to Challenge is the right for community organisations to say that they are interested in running a particular public service and potentially get the chance to bid to do this. If a community group, charity, parish council or group of public sector staff identifies a service they would like to run then they can submit an expression of interest to the authority. If accepted this will trigger a procurement exercise. The interested group will then most likely need to compete with others in a competitive tendering process.

Community Asset Transfer

Community Asset Transfer is the transfer of management and/or ownership of land or buildings from a public body to a community-based organisation, at less than market value, in order to promote social, economic or environmental well-being.

The Community Right to Bid is sometimes confused with Community Asset Transfer. Although they share some of the same objectives, these are substantively different

mechanisms that communities can use to acquire land and buildings. The crucial differences are:

- Community Asset Transfer is the transfer of ownership or management of publicly owned assets, whereas the Community Right to Bid applies to some public and some privately owned assets.
- Community Asset Transfer is the transfer of management or ownership at less than market value. Community Right to Bid gives a window of opportunity for a community group to compete to buy an asset on the open market.
- Community Asset Transfer is a voluntary process entered into proactively by public bodies. The Community Right to Bid is a pre-emptive legal right pertaining to communities.

How the Community Right to Bid will work

The Legislation

How the Community Right to Bid works is set out in the Localism Act and Regulations:

With the Community Right to Bid, Local Authorities must keep a 'List of Assets of Community Value'; the legislation sets out in detail the process they must enter into and what information they must include.

The legislation also outlines the definition of an asset of community value, what groups can legitimately nominate, the appeals process for land owners, timescales for groups interested in buying land or property on the list, and compensation available to the owners of land or property on the list.

What is an Asset of Community Value?

A building or other land is an asset of community value if its main use has recently been or is presently used to further

the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that "social interests" include cultural, recreational and sporting interests.

The regulations list a number of situations where land or buildings are exempted from inclusion on the list or operation of the moratorium. These include homes, hotels, assets being transferred between kindred businesses, and Church of England land holdings.

Who can nominate Assets of Community Value

A number of community organisations can nominate land and buildings for inclusion on the list: parish councils, neighbourhood forums (as defined in Neighbourhood Planning regulations), unconstituted community groups of at least 21 members, not-for-private-profit organisations (e.g. charities).

Community organisations also have to have a local connection, which means their activities are wholly or partly concerned with the area, or with a neighbouring authority's area.

Decisions and appeals

If a community organisation nominates land or buildings that meet the definition of an Asset of Community Value, and the nomination process was undertaken correctly (i.e. came from a group entitled to nominate), then the Local Authority must include the asset on its list. Assets will remain on the list for at least 5 years.

If the council decides that the nomination doesn't meet the criteria, then they must write to the group who nominated the asset and provide an explanation. They must also keep a list of unsuccessful nominations for at least 5 years.

Landowners can ask local authorities to review the inclusion of an asset on the list, and this triggers an appeal to an independent body, called a First Tier Tribunal.

Moratorium Periods

The Community Right to Bid does not give the right of first refusal to community organisations to buy an asset that they successfully nominate for inclusion on the local authority's list. What it does do is give time for them to put together the funding necessary to bid to buy the asset on the open market.

If an owner wants to sell property/land that is on the list, they must tell the local authority. If the nominating body is keen to develop a bid, they can then call for the local authority to trigger a moratorium period, during which time the owner cannot proceed to sell the asset.

There are two moratorium periods. Both start from the date the owner of the asset tells the local authority of their intention to sell. The first is the interim moratorium period, which is 6 weeks, during which time a community organisation can decide if they want to be considered as a potential bidder. The other is a full moratorium period, which is six months, during which a community organisation can develop a proposal and raise the money required to bid to buy the asset.

The regulations list some situations where the Moratorium will not be applied, even when it is an Asset of Community Value on the list. These exceptions include the sale of assets from one partner or another (for example in a divorce).

Funding

In August 2012, the government announced grant funding which community organisations can apply for in order to make use of the Community Right to Bid or Community Asset Transfer. The Social Investment Business is managing the £16 million grants programme 'Community Ownership and Management of Assets' on behalf of the Department for Communities and Local Government.

Glossary

- Assets of Community Value – building or land used to further the social wellbeing in particular, though not exclusively, the cultural, recreational or sporting interests of the local community
- Community organisation – parish council, charity, community group, neighbourhood forum, not-for-profit company
- Disposal of land/property – sale
- First Tier Tribunal – independent body to decide on appeals by owners against assets being listed, and against decisions on compensation
- Local connection – the connection that community organisations have with the area that the asset in question is in
- Moratorium period – periods during which a sale cannot go through, which community organisations can consider if they are a potential bidder, and if so, time to raise the money to buy
- Not-for-profit company – companies whose activities benefit the community and who reinvest surplus made from trading back into the community (often called Social Enterprises or Community Interest Companies)

My Community Rights

Community Right to Bid

Step 3: Nominating an asset of community value



The Social
Investment
Business



Nominating an asset

There is now a statutory duty upon local authorities, including:

- District Councils;
- County Councils (in an area where there are no district councils);
- Unitary Authorities; and
- London Boroughs

To maintain a list of assets of community value.

The local authority will determine the format of the list. The list should be made publicly available. Nominations for the list of assets have to come from the community itself. For the purposes of making a nomination, the request must come from a voluntary or community body with a local connection and relate to land in the local authority's area, or in the neighbouring local authority's area.

An eligible voluntary or community body is defined as:

- an unincorporated group of 21 or more people who appear on the local electoral register;
- a community interest group: i.e. a legally constituted organisation such as a charity, a company limited by guarantee that does not distribute profits amongst its members, an Industrial and Provident Society that does not distribute profits amongst its members or a Community Interest Company;
- a Neighbourhood Forum designated as such by the local planning authority;

- a Parish Council in respect of land in its own area.
- a neighbouring parish council - if the parish council borders an unparished area, then they may nominate an asset with that neighbouring local authority

It is likely that councils will appoint a single point of contact to manage community nominations if the nominated asset crosses local authority boundaries. If potential nominators are unsure which council to target within their local area, they should start with their local planning authority – search for your local planning authority, using a post code, at the Planning Portal:

The nomination process should be clear and simple. Any form of written nomination submission should be acceptable, whether on-line, by email or a letter. Eligible voluntary and community bodies can make as many nominations as they wish.

The regulations set out what is required in a nomination, as follows:

- a description of the nominated building or land including its proposed boundaries;
- a statement of all the information which the nominator has with regard to the names of the current occupants of the land and the names and current or last-known addresses of all those holding a freehold or leasehold stake in the land;
- the nominator's reasons for thinking that the asset is of community value; and

- evidence that the nominator is eligible to make a community nomination.

Once a nomination is made, the council will have up to eight weeks to decide whether or not to list the asset. The council must decide which nominations are eligible to be listed.

The council must give notice that it intends to list the asset to:

- the owner;
- the occupier (if the occupier is not also the owner);
- a parish council if any of the land is in the parish council's area.
- the nominating body

If a nomination is not approved, the council must write to the nominator and give the reasons why. There is no right of appeal against the council's decision.

There is also an eight week period during which the owner can request a review of the decision. The review must be carried out within eight weeks of the asset being listed and if the decision is still to list the asset, the owner has a right of appeal to a First Tier Tribunal.

If listed, the asset will remain on the list for a maximum of five years, at which point it can be re-nominated and re-listed subject to local interest and continued compliance with the definition of an asset of community value. In terms of maintaining the list, if the asset was included in the list in response to a community nomination, the council must give written notice of the asset's removal from the list to the person who made the nomination.

Some assets may not be listed. There is a list of exclusions in the regulations, but the most relevant ones to note are:

- residential property including gardens, outbuildings and other associated land owned by a single owner (unless the residence is a building that is only partly used as a residence and but for that residential use of the building, the land would be eligible for listing, for example: accommodation as part of a pub or a caretaker's flat);
- operational land of 'statutory undertakers', which covers mainly transport infrastructure such as ports, railways and roads;
- licensed, and some unlicensed, caravan sites.

List of Assets
Updated June 2023

Asset		Date Nomination Received	Date of Decision	Date Owner Notified in Writing	End of 8 Week Decision Review Period	Date 'Notice of Relevant Disposal' Received	End of 6 week 'Interim Moratorium Period'	Date 'Request to Bid' Received	End of 6 Month 'Full Moratorium Period'	End of 18 Month 'Protected Period'
Address	Owner									
Trinity Methodist Church, Morecambe, LA3 1BY	Mr Matthew Clifford White	30/07/18	20/09/18	21/09/18	16/11/18					
Dragons Head, Whittington Carnforth LA6 2NY	Penrith Entertainment Centre Limited	16/02/21	13/04/21	19/04/21	14/06/21					
The New Inn Public House Yealand Conyers	Barry Robinson Leisure Limited The Longlands Hotel Tewitfield	04.05.23	14.06.23	19.06.23	29.06.23					

OVER KELLET PARISH COUNCIL

Parish Council Meeting, 11th July 2023

Agenda Item 9 – Payments for Authorisation

Payee & Detail	£
Over Kellet Village Hall Hire of Hall on 13 th June and 11 th July 2023	28.00
Over Kellet Village Hall Hire of room for Outreach Post Office Service, April – July 2023. 17 days @ £7.00	119.00
Mike Ashton. Lengthsman Services, Weeks 7 – 14 2023/24	366.10
Derek Whiteway – Parish Clerk salary and expenses, June 2023	213.50
HMRC – PAYE deductions, June 2023	53.20