



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

RE: ALLOTMENTS AT EAST VIEW, READ – LAN71480

TAKE NOTICE that the property referred to above has been included in the list of assets of community value compiled by Ribble Valley Borough Council the Local Authority for the Read area.

On the 30 August 2018 the owners of the property served notice on the Local Authority stating their intention to enter into a relevant disposal.

On 27 September 2018 a community interest group namely Read Parish Council requested to be treated as a potential bidder for the property.

The property will therefore be subject to the full moratorium period which will cease on 27 February 2019 and be protected from further moratorium periods for a period of 18 months ending on 27 February 2020.

Signed *Marshal Scott*
Marshal Scott – Chief Executive

Date *11th October 2018*



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RE: ALLOTMENTS AT EAST VIEW, READ – LAN71480

TAKE NOTICE that the property referred to above has been included in the list of assets of community value compiled by Ribble Valley Borough Council the Local Authority for the Read area.

On the 30 August 2018 the owners of the property served notice on the Local Authority stating their intention to enter into a relevant disposal.

Any community interest group (as defined by the Localism Act 2011) wishing to submit a written request to be treated as a potential bidder for the community asset must do so on or before 11 October 2018.

Requests must be made in writing and should be addressed to Ribble Valley Borough Council, c/o Diane Rice, Head of Legal and Democratic Services, Legal Services Section, Council Offices, Church Walk, Clitheroe BB7 2RA.

Should any request be received, the property will then be subject to the full moratorium period which will cease on the 1 March 2019 and be protected from further moratorium periods for a period of 18 months ending on 1 March 2020.

Signed
Diane Rice – Head of Legal and Democratic Services

Date 31st August 2018



Ribble Valley
Borough Council

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Notice under Section 91 of the Localism Act 2011 Dated: 15 August 2018

**INCLUSION ON THE LIST OF ASSETS OF COMMUNITY VALUE OF LAND/BUILDINGS
SITUATED AT THE ALLOTMENTS, EAST VIEW, READ (LAN71480)**

1. BACKGROUND

On or about the 11th day of July 2018, Ribble Valley Borough Council ("The Council") received a nomination under Section 89 of Localism Act 2011 ("the Act") to list the Asset as an asset of community value. The nomination was made by Read Parish Council. A copy of the nomination, including a plan showing the location of the Asset coloured green is attached at Appendix 1.

The owners/occupiers of the Asset have been informed by the Council that a nomination has been received. The Council has not received a response from them.

Under Section 87 of the Act the Council must maintain a list of land in its area that is of community value.

Section 88 of the Act defines land of community value thus:

1. For the purpose of this chapter but subject to regulations under sub-section (3), a building or other land in a Local Authority's area is land of community value if in the opinion of the Local Authority:
 - (a) 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
 - (b) 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 same way) the social wellbeing or social interest of the local community;
2. For the purpose of this chapter but subject to regulations under sub-section 3, a building or other land in the Local Authority's area that is not land of community value as a result of sub-section (1) is land of community value if in the opinion of the Local Authority:-
 - (a) there is a time in the recent past when an actual use of the building or land that was not an ancillary use furthered the social wellbeing or interests of the community; and
 - (b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that

would further whether or not in the same way as before the social wellbeing or social interests of the local community.

Under Section 89 of the Act the Council can only include an asset on the list of assets of community value in response to a community nomination (as defined).

2. DECISION-MAKING PROCESS

The Council resolved at Policy and Finance Committee on the 29th day of January 2013 that the determination of applications for nomination of assets be delegated to the Head of Legal and Democratic Services (inter alia).

In accordance with this decision the Council has now fully considered the nomination and having considered the Act and the Assets of Community Value England Regulations 2012 (the Regulations), has decided to enter the property into its list of assets of community value. This decision has been taken because:

- a. the application meets the criteria in that the Asset lies within the administrative boundaries of the Council;
- b. Read Parish Council is entitled to make a community nomination in accordance with the provisions of the Act;
- c. the nomination form submitted by Read Parish Council includes the matters required under Regulation 6 of the Regulations;
- d. the Asset does not fall within the description of land which may not be listed as specified in Schedule 1 of the Regulations;
- e. the nomination form sets out the reasons for nominating the Asset, explaining why the asset meets the definition in the Act;
- f. the occupiers and landowners have been served with a copy of the application and have had an opportunity to comment;
- g. in the opinion of the Authority the nominated asset is an asset of community value as its actual current primary use namely use as a church and church hall furthers the social wellbeing or social interests of the local community by providing a venue for use for social recreational and cultural interests.

3. NEXT STEPS

The Asset will now be placed on the list of assets of community value which the Council is required to maintain under Section 87 of the Act. In accordance with Section 91 of the Act, the Council will send a copy of this notice to the owners and occupiers of the land and Read Parish Council. The information about how the application has been determined will be published on the Council's website. The Asset will remain on the Council's 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 provisions of the regulations.

The Localism Act 2011 requires that the Council draws your attention in particular to the following matters:

- a. The consequences for the land and its owner of the land's inclusion in the list.

b. The right to ask for a review.

4. THE CONSEQUENCES FOR THE LAND AND ITS OWNER OF THE LAND'S INCLUSION IN THE LIST

- Inclusion of assets on the list of community value 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 at the address shown below when they wish to enter into a relevant disposal (as defined in Section 96 of the Act) of that asset. Some types of disposal of listed assets are exempt and these are set out in full in Annex A of the Non-Statutory Advice Note issued to local authorities about the community right to bid. Annex A also identifies circumstances where, although there is no requirement in the legislation that the owner has to explain to the Local Authority that the disposal is exempt, it would be helpful for them to do so.
- A moratorium period is triggered by notification under Section 95 to allow a community interest group to submit a written request to be treated as a potential bidder for the asset.
- Please note the owner of the asset does not have to sell the asset to the community interest group.
- There is also a "protected period" (18 months from the time that the owner notified the Local Authority of their intention to dispose of the assets) and during this time there can be no further moratoriums on sale and the owner is free to dispose of the property as they see fit.

The owner is 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 Asset. A disposal of listed land which contravenes the Regulations and Act will be ineffective.

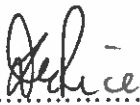
5. THE RIGHT TO ASK FOR A REVIEW (SECTION 92)

Asset owners have the opportunity to request a review of the decision to enter an Asset on the list of assets of community value. The request must be made in writing before the end of the period of eight weeks beginning with the day on which written notice of inclusion of the land in the list was given by the Council. The internal review process in relation to the listing will be undertaken by the Chief Executive or the Head of Legal and Democratic Services where they have not been involved in the initial decision.

Landowners wishing to request a review of the decision should address their request to the Head of Legal and Democratic Services within the timescale set out above setting out the grounds for review and whether or not they wish to request an oral hearing.

Private owners may claim compensation for loss and expense incurred through the Asset being listed including a claim arising from a period of delay in entering into a

binding agreement to sell which is wholly caused by the interim or full moratorium period. Regulation 14 is the regulation that contains details about applications for compensation, which must be made before the end of thirteen weeks after the loss or expense was incurred. Part 5, Chapter 3 of the Act and the Regulations referred to above provide further detailed information.

Signed: 
Head of Legal and Democratic Services

Dated: 15th August 2018 '
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