



Ribble Valley
Borough Council

www.ribblevalley.gov.uk

Notice under Section 91 of the Localism Act 2011 **Dated: 21 August 2022**

INCLUSION ON THE LIST OF ASSETS OF COMMUNITY VALUE OF CHILDREN'S PLAYGROUND, BURNLEY ROAD, GIBBURN, LANCASHIRE ("THE ASSET")

1. BACKGROUND

On 27 June 2022, 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 Gisburn Parish Council. A copy of the nomination, and a plan showing the location of the Asset is attached at Appendix 1.

The owners and occupier of the Asset is a charity known as Gisburn Village Hall and Gisburn Playing Fields Association. The owners were consulted on 1 & 4 July 2022. No response has been received.

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 as:

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 29 January 2013 that the determination of applications for nomination of assets be delegated to the Head of Legal and Democratic Services.

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 assets lies within the local authority area of Ribble Valley;
- b. the Parish Council is entitled to make a community nomination in accordance with the provisions of the Act;
- c. the nomination form submitted by the 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 landowner has been served with a copy of the application and has 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 children's playground 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 owner of the land, and the 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 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 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 week 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 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

**ASSETS OF COMMUNITY VALUE
THE COMMUNITY RIGHT TO BID
NOMINATION FORM**

RECEIVED BY
CHIEF EXECUTIVE
27 JUN 2022

FAO

Before completing this form, please read the material at:
<http://mycommunityrights.org.uk/community-right-to-bid/>

When completed the form should be sent to the local authority that covers the area in which the asset is located.

Section 1: The name of your organisation

Name of organisation <i>(full name as written in your constitution or rules(if appropriate))</i> : Gisburn Parish Council
Address including postcode:

Section 2: Contact details

Name: Mrs Cathy Holmes
Position in the organisation: Parish Clerk
Address including postcode: As above
Daytime telephone No:
Mobile telephone No:
Email address:
How and when best to contact you <i>(by email or phone, and days of the week and / or times your prefer)</i> : E-mail

Section 3: Type of organisation

Description	Indicate all that apply	Registration number of charity and / or company if applicable
Neighbourhood forum	<input type="checkbox"/>	
Parish council	<input checked="" type="checkbox"/>	
Charity	<input type="checkbox"/>	
Community interest company	<input type="checkbox"/>	
Unincorporated body	<input type="checkbox"/>	
Company limited by guarantee	<input type="checkbox"/>	
Industrial and provident society	<input type="checkbox"/>	

Section 4: Number of members registered to vote locally (unincorporated bodies only)

In the case of an unincorporated body, at least 21 members must be registered to vote locally. If they are registered to vote in the area of a neighbouring local authority, please confirm what this area is.

Section 5: Local connection

In addition, your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area in which the nominated asset is located. Please explain what your organisation's local connection is.
Parish Council for parish in which the asset is located

Section 6: About the land or buildings(s) you are nominating

What it is (e.g. public, local shop, recreation land): Children's Playground, Burnley Road, Gisburn Clitheroe

Name of the premises (The Volunteer Pub, Jones stores):

Children's Playground, Burnley Road

Address including postcode (if know):

Burnley Road, Gisburn, Clitheroe Lancs

Section 7: Details of the land

Please include details of the boundaries of the land you are nominating.

See attached

You should supply the following information, if possible. If any information is not known to you, please say so.

	Name (s)	Address (es)
Names of all current occupants of the land	Gisburn Playing Fields Association	
Name of current and last known addresses of all those owning freehold of the land	As above	
Names of current or last known addresses of all those having a leasehold interest in the land		

Section 8: Why you think the building or land has community value?

Note that the following are not able to be assets of community value:-

- A building wholly used as a residence, together with land "connected with" that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.
- A caravan site.
- Operational land. This is generally land belonging to the former utilities and other statutory operators.

Does it currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past and if so how?

**These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.*

Yes, the playground has been extensively used by children of the community and those attending the primary school located opposite since it was built for both recreational and sporting purposes

Could it in future further the social wellbeing or social interests* of the local community? If so, how? (This could be different from its current or past use.)

**These could be cultural, recreational and/or sporting interests, so please say which one(s) apply.*

Yes, the playground would continue to be used by children of the community and those attending the primary school opposite.

Section 9: Submitting this nomination

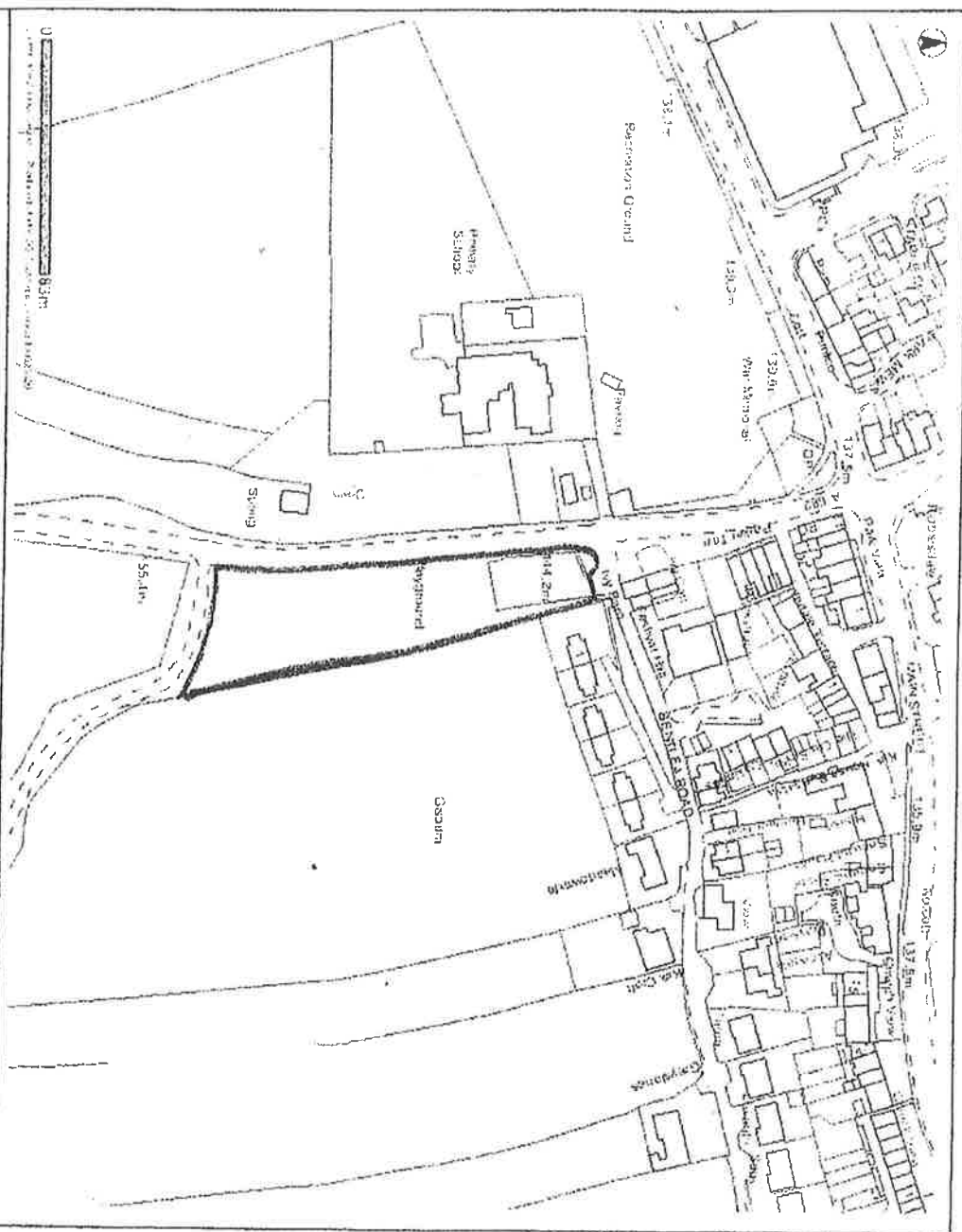
What to include

- Evidence that the nominator is eligible to make a community nomination (The rules of your organisation / constitution)
- Names & Addresses of 21 Members who are registered to vote in the local community if the organisation is an unincorporated body

Signature

PARISH CLERK 24/06/22.

By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.



ELSBURN PARK GROUND, Acs 2, Elsburn

1:1250



Date: 15/07/2013

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