

Assets of Community Value: Listing Decision Notice

Date of Nomination Application: 14 November 2016

Application Number: ACV3/112016
Nominated Asset: Love Lane Green
Site Address: Love Lane Green, South Norwood, SE25 4NG
Ward: Woodside
Nominator: Friends of Love Lane

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 application provides evidence which relates to activity taking place in Love Lane itself and the community garden which occupies a strip of land to the southern border of the whole proposed site. However, the nomination includes the whole of ‘Love lane Green’ in its entirety, for which there is insufficient evidence of substantial recent or existing community use that furthers the social wellbeing or social interests of the local community.
- 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:
 - 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

- 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

- 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
- 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? Assessment: The Nominators are the 'Friends of Love lane', who are an unincorporated group but do have a constitution. They have also stated that they will not distribute any surplus to its members. The Friends of Love lane have provided twenty-one original signatures as required which evidences wider community support.

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 as follows in their constitution:

- To establish and run a café whose profits will be applied for the furtherance of the objects of the charity
- To grow and sell food, the profits of which will be applied for the furtherance of the objects of the charity.

(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.

Assessment: The Love Lane Constitution has ten members who are members of the Executive Committee. In addition, twenty-one local residents who are local voters have supported this nomination and also provided their original signatures.

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 - 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 application provides evidence which relates to activity taking place in Love Lane itself and the community garden which occupies a strip of land to the southern border of the whole proposed site. However, the nomination includes the whole of 'Love lane Green' in its entirety. It is for this larger area that there is insufficient evidence of substantial recent or existing community use that furthers the social wellbeing or social interests of the local community.

Review Decision

I confirm that:

Nominated Asset: Love Lane Green

Site Address: Love Lane Green, South Norwood, SE25 4NG

Should be included on the list of unsuccessful Community Nominations and that interested parties be notified accordingly.

Date: 8 February 2017

Name: Genine Whitehorne

Title: Head of SCC Resources, Strategy Communities and Commissioning

Signature: *Signature redacted*-----