



## **Community nomination in respect of**

### **Land at Beech Road, Eccleshall**

Notice under section 91 of the Localism Act 2011

#### **1 Nomination**

On 1 April 2021 the Council received a nomination under section 89 of the Localism Act 2011 ('the Act') to list the land at Beech Road, Eccleshall as an asset of community value. The nomination was made by Eccleshall Parish Council. A copy of the nomination is attached at Appendix 1 and plan showing the boundaries of the nominated land is attached at Appendix 2.

#### **2 Law and Statutory Guidance**

Under section 87 of the Act the Council must maintain a list land of community value in its area. A building or other land is of community value if in the Council's opinion an actual current use of the building or other land that is not ancillary use, 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, which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

Under section 89 the Council can only include land in its list of assets of community value in response to a community nomination or where permitted by regulations. A community nomination in England can only be made by either a parish council in respect of land within its area or by a person that is a voluntary or community body with a local connection. Where a valid community nomination is made the Council must consider it and must accept the nomination if the land is within its area and is of community value

#### **3 Decision and Reasons**

The Council accepts the nomination by Eccleshall Parish Council and includes the land at Beech Road, Eccleshall in its list of assets of community value.

The reasons for this decision are as follows:

1. The Beech Road Play Area lies within the Borough of Stafford and the Parish of Eccleshall;
2. Eccleshall Parish Council is a body eligible to make the application under section 89 of the Act;
3. The Nomination made by Eccleshall Parish Council meets the requirements of the Assets of Community Value (England) Regulations 2012 ("the Regulations");
4. The play area does not fall within a description of land which may not be included in the list as specified in Schedule 1 of the Regulations;
5. The use of the land as a play area is not an ancillary use and is a use that furthers the social interests of the local community;
6. Notwithstanding its current community use, in deciding whether the land should be listed, I am required to consider whether it is realistic to think that there can continue to be non-ancillary use of the land which will further the social wellbeing or social interests of the local community;
7. The land consists of an area of open space with play equipment. The nomination states that it is a valuable facility for local residents with young children. There does not appear to be any information to suggest that the land cannot continue to be used in this way for the foreseeable future;
8. For the reasons set out above, the nomination of this land is successful, and the land will be listed on the register of community assets.

#### **4 Next Steps**

Land at Beech Road, Eccleshall will be included in the list of assets of community value maintained by the Council under section 87 of the Act.

In accordance with section 91 of the Act the Council will send this notice to:-

- (a) the owner of the land
- (b) the occupier of the land if the occupier is not the owner
- (c) Eccleshall Parish Council as the nominee body

#### **5 Consequences of Listing**

The land will remain on the 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 provision of the Regulations.

Inclusion of the land in the list of community assets 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 by writing to the Head of Law and Administration, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ if they wish to enter into a relevant disposal of the land. Relevant disposal is defined in section 96 and (subject to exemptions in section 95(5) and Schedule 3 of the Regulations) means, a freehold disposal or the grant or assignment of a qualifying leasehold interest, with vacant possession.

A moratorium period is triggered by notification under section 95 to allow any community interest group to submit a written request to be treated as a potential bidder for the land. Owners are advised to refer to the Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the land. A disposal of listed land which contravenes the requirements of Act and Regulations will be ineffective.

## **6 Right of Review**

In accordance with section 92 of the Act the owner of the land is entitled to request a review of this decision. The review will be carried out by a senior officer of the Council nominated by the Chief Executive. A request must be made in writing and received by the Council within 56 days of the date of this notice or such longer period as the Council may agree in writing. Please ensure that the request explains on what grounds the decision should be reviewed.

If a request is made the Council will complete the review within 56 days of receiving the request or such longer period as is agreed with the owner in writing. A request must be addressed to the Chief Executive, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

## **7 Right to Compensation**

In accordance with paragraph 14 of the Regulations an owner or former owner of the land is entitled to claim compensation from the Council of such amount as the Council may determine, where they have incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.

A claim for compensation must be made in writing within 91 days of the loss or expense being incurred (or as the case may be) finish being incurred; must state the amount of compensation sought for each part of

the claim and be accompanied by supporting evidence for each part of the claim.

If a claim is made the Council will consider the claim as expeditiously as possible. A request must be addressed to the Head of Law and Administration, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

## **8 Additional Help**

Further information about assets of community value is available from the website <http://mycommunityrights.org.uk/community-right-to-bid/> If you need any additional support in relation disposal of the land, the right of review or right to compensation you are advised to seek independent legal advice.

Signed:

A handwritten signature in black ink, appearing to read 'I. Curran', is written over a horizontal line.

Head of Law and Administration

Dated: 18 June 2021

## Section 1 - About Your Community Organisation

Q1 Name and address of your organisation	
<b>Organisation name:</b>	Eccleshall Parish Council
<b>Address and postcode:</b>	16 Newport Road Great Bridgeford Stafford ST18 9PR
<b>Registration number</b> (if you are a charity, company, CIC or social enterprise)	

Q2 Please specify what type of organisation you are	
Category	Tick ✓
<b>Parish/Town Council</b>	✓
<b>Unconstituted / unincorporated Community Group</b> whose members include at least 21 individuals who appear on the electoral roll	
<b>Neighbourhood Forum</b> designated as pursuant to section 61F of the Town and Country Planning Act 1990	
<b>Industrial and Provident Society</b> which does not distribute any surplus it makes to its members	
<b>Company Limited by Guarantee</b> which does not distribute any surplus it makes to its members	
<b>Community Interest Company</b> which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004	
<b>Charity</b>	

Q3 Who should we contact to discuss this nomination?	
<b>Name:</b>	Mrs Stacey Worden (Clerk)
<b>Address and postcode:</b>	As above
<b>Telephone number</b>	01785 282296
<b>Email address</b>	Eccleshallpc@gmail.com

## Section 2 - About The Property To Be Nominated

Q4 Which asset do you wish to nominate?	
<b>Name of property:</b>	Beech Road Play Area
<b>Address and postcode:</b>	Beech Road Eccleshall ST216EA
<b>Name of property owner</b>	Stafford Borough Council
<b>Address and postcode:</b>	Civic Centre Riverside Stafford ST16 3AQ
<b>Telephone number</b>	01785 619000
<b>Email address (if known)</b>	
<b>Current occupier's name</b> (if different from property owner)	
<b>Details of occupier's interest in property</b>	

## Section 3 - Demonstrating The Community Value Of The Asset

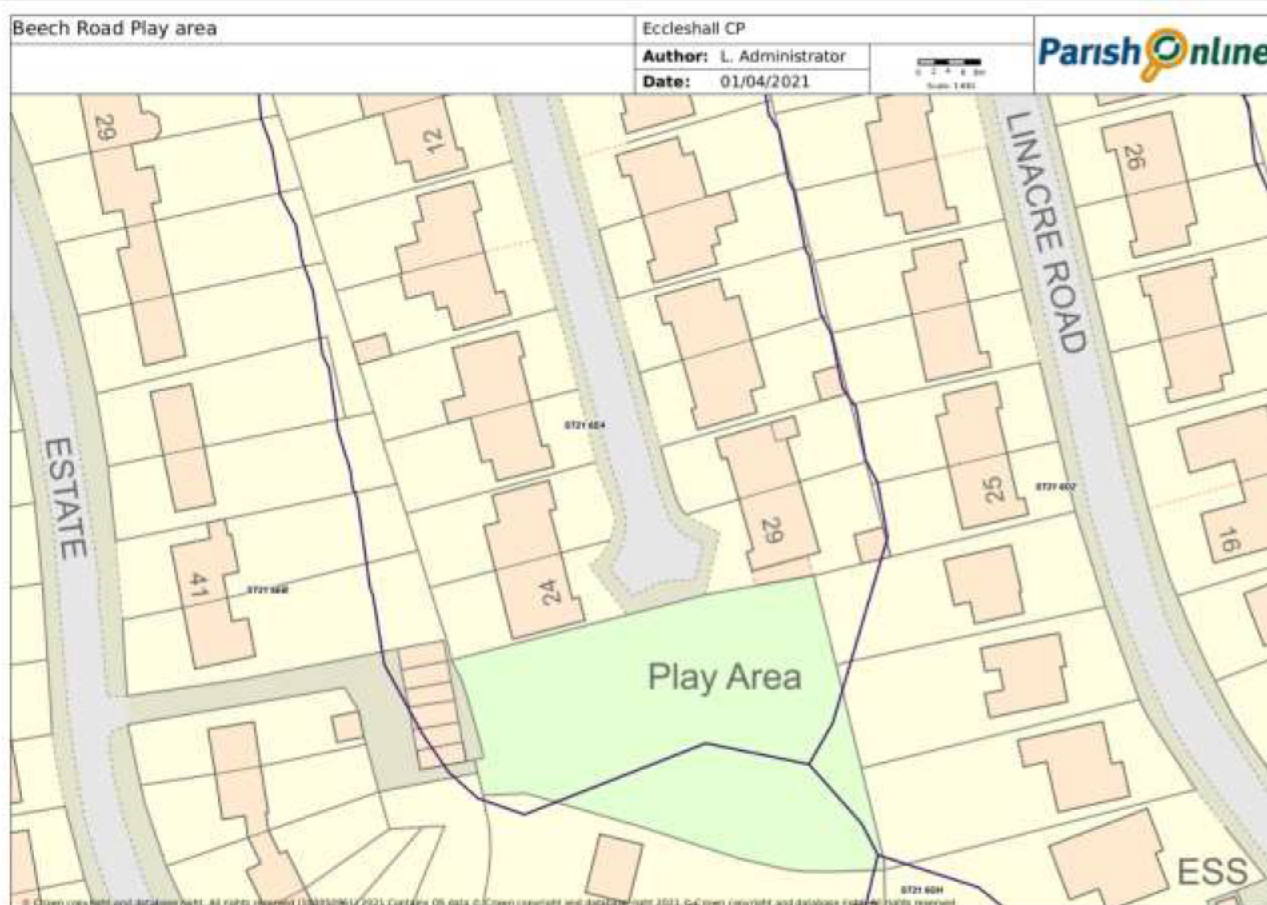
Q5 Why do you feel the property is an asset of community value?
<p>Please give as much information as possible about the current use of the asset i.e. what activities take place, what groups use the facility currently or in the recent past etc. Continue on a separate sheet if necessary. Definition of an asset of community value can be found in the guidance document.</p> <p><b>Note:</b> Any information entered into this section only may be copied and passed onto the owner of the property you are nominating.</p>
<p>Beech Road play area is a local green space and park with play equipment. Eccleshall has a limited amount of leisure facilities and the Parish Council wish to ensure this area is formally recognized as an asset.</p> <p>In line with the criteria detailed in the guidance notes, the current use of Beech Road play area furthers the social wellbeing and interests of the local community in providing a valuable local recreational space for use by the community.</p> <p>Whilst Eccleshall has other play areas, these have been provided as part of large housing developments and in line with the requirements of the residents of those areas. Beech Road is a valuable facility for local residents with young children that is accessible without crossing any main roads and is not in close proximity to the other play areas. In addition, the recent population growth</p>

has increased the need to retain and improve any facilities currently in place.

As a publicly accessible play space there are no formal activities arranged.

## Q6 What do you consider to be the boundary of the property?

Please give as much detail as you can and include a plan if possible.



Beech Road is clearly identifiable as the green space in the above plan.

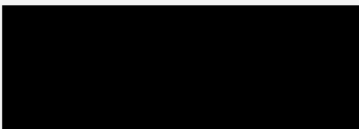
## Attachment checklist

- ☐ Copy of group constitution (if applicable)
- ☐ Names and home addresses of 21 members registered to vote in nomination area (if group is not constituted)

- ☐ Site boundary plan (if possible)
- ☐ Evidence of current community use e.g. activity programmes, website links etc

### Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate

**Signed:** .....  .....

**Print Name:** ... Mrs Stacey Worden .....

**Position in Organisation:** ..... Clerk to the Council .....

**Date:** ..... 1<sup>st</sup> April 2021 .....

### FOR OFFICE USE ONLY

**Date received:**

**Decision deadline:**



## Guidance Notes

These guidance notes are provided to help you complete your Community Right to Bid nomination form.

The guidance is set out question-by-question for ease of use.

### Section 1 - About Your Community Organisation

#### Q1 Your organisation

Enter the name and address of your organisation in this section.

#### Q2 Type of organisation

It is important you state which organisation type you are as only those shown here are currently eligible to nominate and all but unconstituted community groups are able to bid. Unfortunately any nomination received from any other body will not be accepted.

- Parish/Town Council
- Neighbourhood Forum – designated as pursuant to section 61F of the Town and Country Planning Act 1990
- Industrial and Provident Society which does not distribute any surplus it makes to its members
- Company Limited by Guarantee which does not distribute any surplus it makes to its members
- Unconstituted/unincorporated Community Group whose members include at least 21 local people who appear on the electoral roll within the local authority, or a neighbouring authority.
- Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004
- Charity

If you are a charitable organisation or company you must provide your charity number.

#### Q3 Who to contact about the nomination

##### Contact details

The contact name must be the same as the person signing the declaration overleaf. Ideally, this will be a member of the management team (chairperson, secretary or treasurer).

### Section 2 About The Property To Be Nominated

#### Q4 Which asset do you wish to nominate?

Enter the full name and postal and address of the property you wish to nominate.

**Owner** It is very important that you include the details of the owner of the freehold interest in the property as the Council will need to contact the owner to inform them of the nomination and allow them to comment.

#### **Q4 Which asset do you wish to nominate?**

**Current occupier** The current occupier may not be the same as the property owner so it is important we advise all affected should the property be registered. You should therefore provide details of all tenants/occupants at the property.

It is particularly important that this question is completed as correctly and accurately as possible as this could delay the assessment of your nomination.

### **Section 3 - Demonstrating The Community Value Of The Asset**

#### **Q5 Why do you feel the property is an asset of community value?**

In here you need to put why you feel the property currently boosts the social interest and social wellbeing of the local community or if it had in the past why it is realistic to think that it could in the future.

Definition of an asset of community value

A building or land is deemed to be of community value if, in the opinion of the council:

- its actual current use furthers the social wellbeing and interests of the local community, or a use in the recent past has done so; and
- that use is not an ancillary one; and
- for land in current community use it is realistic to think that there will continue to be a use which furthers social wellbeing and interests, or for land in community use in the recent past it is realistic to think that there will be community use within the next 5 years (in either case, whether or not that use is exactly the same as the present or past); and
- it does not fall within one of the exemptions e.g. residential premises and land held with them.

Social interests include (a) cultural interests; (b) recreational interests; (c) sporting interests.

Social well-being relates to social interaction and engagement. It is a sense of involvement with other people and their communities

#### **Q6 What do you consider to be the boundary of the property?**

We need to know the extent of the property you are nominating; this may include the car park area as an example. However, it should be noted that any area which is in the ownership of a statutory undertaker (i.e. electricity substation) cannot be registered.

If possible please include a plan with the boundary marked on it.

#### **Checklist**

##### **What is a constitution?**

A constitution sets out what the main aims of the organisation are and how the group will be governed. It details the structure of the group and how members will work together to achieve its aims (including how the management team are elected and how new members can join the group). It should detail the frequency and level of meetings i.e. every quarter and a yearly AGM and how finances will be dealt with. Examples of a constitution can be searched on the internet.

HM Land Registry  
Official copy of  
title plan

Title number **SF527102**  
Ordnance Survey map reference **SJ8328NW**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **Staffordshire : Stafford**



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