

CHECKLIST/CRITERIA FOR ASSESSING ACV APPLICATIONS

<p><u>Pre-decision checks:</u></p> <p>Date owner, leaseholders and lawful occupant of land notified (Para 8 ACV Regs) Date of any response from owner/leaseholders? Date of Application Date of end of 8 week consideration period (Para 7 ACV Regs)</p>	
<p><u>1. Does the application include a description of the nominated land including its proposed boundaries? (Para 6 ACV Regs)</u></p>	
<p><u>2. Is the land or building(s) within the area of L.B. Haringey?</u></p> <p>Building can include part of a building (s108) Land = part of a building, and part of any other structure (s108)</p> <p>(Note if partly in Haringey and partly in a neighbouring authority we must co-operate on decision) Neighbouring authority = if part of the boundary of that authority's area is also part of the boundary of the area of the responsible authority (para 1 ACV Regs)</p>	
<p><u>3. Does the application include a statement of all the information they have on the names of current occupant(s) of the land, and the names and current or last known addresses of all those holding freehold or leasehold estate in the land? (Para 6 ACV Regs)</u></p>	

4. Is the application a community nomination? (s89(2)(b)(iii))

Is it made by a person that is a voluntary or community body with a local connection?

Voluntary or community body (para 5 ACV Regs) =

- A body designated as a neighbourhood forum under s61F TCPA 1990
- A parish council
- An unincorporated body whose members include at least 21 individuals (must be local members which means 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), and which does not distribute any surplus it makes to its members, and any surplus it makes is wholly or partly applied for the benefit of the authority's area or the neighbouring authority's area
- A charity
- A company limited by guarantee that does not distribute any surplus it makes to its members
- An industrial and provident society which does not distribute any surplus to its members
- A community interests company

Local connection = the body's activities are wholly or partly concerned with the local authority's area or with a neighbouring authority's area (para 3 ACV Regs) and any surplus it makes is wholly or partly applied for the benefit of the authority's area or the neighbouring authority's area

5. Is the land of community value? (s88 Localism Act 2011)

Does an actual current non ancillary use of the land or building further the social well being or social interest of the local community?

AND it is realistic to think that there can continue to be non ancillary use of the land or building which will further (in the same or a different way) the social well being or social interests of the local community

OR

There is a time in the recent past when an actual non ancillary use of the land or building furthered the social well being 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 land or buildings that would further (whether or not in the same way as previously) the social well being or social interests of the local community

Social well being = see separate paper 'defining social well-being'

Social interests = cultural, recreational, sporting interests (s88(6))

Local community = not defined but counsel suggests it does not mean 'the whole or even a majority of the local community' and can include a venue which is a membership org (Earl Haig Hall) which was open to others to drink in.

Realistic to think = not defined but case law (Chesham Arms pub in Hackney – owner trying to develop pub site for flats said pub not viable. FTT said was realistic to think he might not get

<p>planning perm for flats and sell to someone who wanted to open again as a pub) so current owners present intentions were one thing but the law requires an estimate of what will happen over the next 5 years. The Pheasant in Shropshire case – there may be more than one realistic outcome, so views of owner not necessarily the only option. Recent past = can be viewed differently in different circumstances (DCLG guidance)</p> <p>Note exclusion of residences (Schedule 1 of ACV Regs)</p>	
<p><u>Decision with reasons</u></p>	