

Guidance Notes

Assets of Community Value

This document is to help Parish Councils, community and voluntary bodies understand whether a piece of land and/or building would meet the criteria and therefore qualify as an Asset of Community Value.

An Asset of Community Value is where the primary use of land and/or building(s) is considered to **further the social wellbeing or social interests of the local community**. Social interests include cultural, recreational and sporting interests. The table below illustrates examples:

The provision of public services directly to the public for the purposes of education, health & wellbeing, or community safety	<ul style="list-style-type: none"> • Nurseries and schools • Children's centres • Health centres, surgeries and hospitals • Day care centres, residential care homes
Sport, recreation and culture	<ul style="list-style-type: none"> • Parks and open green spaces • Sports / leisure centres • Libraries • Theatres • Museums or heritage sites
Community services	<ul style="list-style-type: none"> • Community centres • Youth centres
Local democracy	<ul style="list-style-type: none"> • Town halls • Civic halls
Any economic use, which also provides an important local social benefit.*	<ul style="list-style-type: none"> • Village pub • Village shop

* In these cases, it is the **social value** of the business that counts, not just the nature of the business. The Council will consider whether the social benefit provided would be easily available elsewhere if the business service ceased.

Assessment Criteria:

The land and/or building(s) must meet the following criteria in order to qualify as an Asset of Community Value. This is based on the Localism Act 2011, Part 5, and in particular Section 88.

1. The land and/or building(s) do not fall within the exemptions set out in Schedule 1 of the Regulations.

If there is evidence that a nomination falls within one of the exemptions it is automatically excluded from listing, and the remaining criteria does not have to be considered.

Exemptions include:

- Land and buildings which are primarily residential, including associated gardens and outbuildings. The exception to this is where a residence is a building only partly used as a residence, and but for that residential use of the building, the land would be eligible for listing (e.g. accommodation as part of a pub).
- Licensed (and some unlicensed) caravan sites
- 'Operational land' owned by 'statutory undertakers' as defined in s263 Town & Country Planning Act 1990 (e.g. Post Office, Civil Aviation Authority, transport providers, utility companies, etc.)

2. The land and/or building(s) are in current use, (or there was a use in the recent past), which furthers the social wellbeing or social interests of the local community. The use of the land and/or building(s) must not be deemed ancillary i.e. of secondary purpose (Localism Act S.88).

Local Authorities are left to interpret and define 'recent past' themselves and Winchester City Council will consider each nomination on a case by case basis. Those nominating a building or piece of land are advised to include examples of how the community uses the space. For instance, '...the youth centre is used by many community groups including; a weekly Scouts group, morning crèche sessions; fitness classes...' etc.

3. It is realistic to think that the land and/or building(s) will continue to further the social wellbeing or social interests of the local community (Localism Act S.88).

a). Where the land and/or building(s) is *presently* in social use there is a presumption of continued viability, unless clear evidence suggests otherwise.

b). For a social use which has *lapsed* and needs to be re-established, the Council will take a view on the realism of re-establishing this within the next five years.

NB: The *type* of social use of the land and/or building(s) is allowed to change at any time.

Other Considerations:

Where the land and/or building(s) are publicly owned another avenue to consider is Community Asset Transfer (CAT). This is the transfer of management and/or ownership of land/buildings from a Local Authority to a community based organisation at less than full market value.