



**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"> <li>• Nurseries and schools</li> <li>• Children’s centres</li> <li>• Health centres, surgeries and hospitals</li> <li>• Day care centres, residential care homes</li> </ul>
Sport, recreation and culture	<ul style="list-style-type: none"> <li>• Parks and open green spaces</li> <li>• Sports / leisure centres</li> <li>• Libraries</li> <li>• Theatres</li> <li>• Museums or heritage sites</li> </ul>
Community services	<ul style="list-style-type: none"> <li>• Community centres</li> <li>• Youth centres</li> </ul>
Local democracy	<ul style="list-style-type: none"> <li>• Town halls</li> <li>• Civic halls</li> </ul>
Any economic use, which also provides an important local social benefit.*	<ul style="list-style-type: none"> <li>• Village pub</li> <li>• Village shop</li> </ul>

\* 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.