

**NOMINATION OF AN ASSET OF COMMUNITY VALUE**

Relevant Portfolio Holder	Cllr Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford – Head of Planning & Regeneration
Wards Affected	
Key Decision – N/A	

**1. SUMMARY OF PROPOSALS**

To consider whether to support a nomination to list Wythall House and Park an Asset of Community Value ["ACV"].

**2. RECOMMENDATIONS**

**That Cabinet, as consultee, consider the contents of the report and decide to either:-**

- (a) Support the listing of Wythall House and Park as an Asset of Community Value; or**
- (b) Not support the listing of Wythall House and Park as an Asset of Community Value**

**3. KEY ISSUES**

- 3.1 As Members are aware from previous reports the Localism Act gave communities a right to identify a building or other land that they believe to be of importance to their community's social well-being and nominate such land / buildings to be registered with the Local Authority as an "Asset of Community Value".
- 3.2 Registration lasts for six years and if the property comes up for sale, the legislation allows a community group six weeks to express an interest in its purchase and if they do so, there is a six month period within which they can prepare their bid to buy the asset. The property in question can then be sold on the open market. Community groups have the same rights as any other bidders and there is no preference given to the local community bid.
- 3.3 The Council has received a nomination from Wythall Parish Council to list Wythall House and Park as an ACV. The nomination is attached at Appendix 1.
- 3.4 Whereas the regime has generally been to register properties in private ownership, this nomination is unusual in that the land is owned by a

Charity, the Wythall Community Hall Trust and run by Trustees

- 3.5 It has been nominated by Wythall Parish Council, which is a qualifying community entity under the legislation, to make a nomination.
- 3.6 The Parish Council states in its nomination form that its “main aim is to preserve/safeguard Wythall Park by making this application on behalf of all residents of Wythall Parish”. However, nomination lasts for six years and will need to be re-nominated after that time to maintain registration on the ACV register.
- 3.7 The Wythall House and Park meet all of the statutory criteria for listing, as set out at 3.9 below.
- 3.8 Members are reminded that the final decision regarding whether to list an asset rests with the Head of Planning and Regeneration in consultation with the Portfolio Holder for Planning and Regeneration and Cabinet is being consulted by The Head of Planning and Regeneration as part of the consultation process.

**Financial Implications**

- 3.9 Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. As previously reported to Council, Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government. The owners also have a right to appeal the decision made by the Council in agreeing that the building be included on the Assets of Community Value.

**Legal Implications**

- 3.8 The Localism Act 2011 made provision for a system to list “assets of community value”, giving community groups the right to make nominations, and requiring local authorities to maintain local registers. Detailed rules around the operation of assets of community value are set out in the Assets of Community Value Regulations 2012.
- 3.9 The test for listing an Asset of Community Value as set out in Section 88 (1) of the Localism Act 2011 is as follows:-

“A building or other land in a Local Authority’s area is land of community value if in the opinion of the authority:-

- (a) an actual current use of the building or other land that is not an ancillary user furthers the social well-being or social interests of the local community, and
- (b) 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 well-being or social interests of the local community.”

**Service/Operational Implications**

- 3.11 There are no specific operational implications for the District. The list of nominated assets is maintained by Land Charges officers and is available on the Council’s Website.

**Customer / Equalities and Diversity Implications**

- 3.12 None from this report.

**4. RISK MANAGEMENT**

- 4.1 The ACV register is maintained by the Council to ensure that all assets nominated are included to mitigate any risks associated with assets not being included on the register. Consideration by officers and members will be undertaken at each nomination to ensure a consistent approach is taken.

**APPENDICES**

Appendix 1 – Nomination Form

**AUTHOR OF REPORT**

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