

East Herts Council Report

Audit and Governance Committee

Date of meeting: 19 July 2022

Report by: Councillor Geoffrey Williamson, Deputy Leader and Executive Member for Financial Sustainability

Report title: Assets of Community Value Report 2022

Ward(s) affected: All

Summary – this report updates Members on the current Community Asset Register, following on from a similar update in 2021.

RECOMMENDATIONS FOR COMMITTEE:

a) That Committee Members review the Asset Register

1.0 Proposal(s)

1.1 Committee Members are encouraged to review the register and comment on any issues regarding Assets of Community Value

2.0 Background

2.1 Committee Members received a detailed report on Assets of Community Value in September 2021. It was requested that an annual update be received on the basis that there should be some oversight of the overall process for maintaining the Community Asset register in East Herts. At the meeting Members also requested that nominating

groups be contacted when the 5 year expiry date is nearing to ensure re-nomination occurs where community groups want this. This request has been actioned and all groups are now made aware when an asset is approaching its 5 year expiry date.

- 2.2 The Localism Act (2011) and associated regulations which came into force in 2012 create opportunities for local organisations to bid for buildings and land defined as community assets when the owner wishes to sell them.
- 2.3 The Regulations Section 88(2) defines an asset / land of community value if:
 - Its actual or current use (or there is a time in the recent past when its use) furthers the social wellbeing or social interests of the local community, and
 - It is realistic to think that there can continue to be (or it is realistic to think that there is a time in the next 5 years)
- 2.4 Groups such as parish councils and constituted local voluntary and community organisations are able to nominate local land or buildings to be included in the list of community assets maintained by the relevant local authority. In two tier areas, this is the District/ Borough Council.
- 2.5 If an asset is placed on the register, the owner is obliged to notify the local authority when intending to dispose of it, which will trigger a moratorium period of six weeks. During this time, the community group can apply to be treated as potential bidders through an expression of interest.
- 2.6 The owner will be able to begin the sale process after an interim period of six weeks if no bidder has come

forward. If a written intention to bid is received in that time, then a full six month moratorium period will take place which gives community groups time to prepare a bid.

- 2.7 The sale itself takes place under normal market conditions and whilst the community group will be given an opportunity to submit a bid the owner is not bound to accept it.
- 2.8 Certain buildings and land are excluded, including residential property and land, hotels, land owned by the church of England and land used by public utilities. A property will remain on the list for five years. It can be re-nominated after that point.
- 2.9 The Localism Act (2011) was brought in by the Conservative/ Liberal Democrat Coalition government to increase community involvement and accountability in delivery of public services. Legislation pertaining to Assets of Community Value (ACV) was designed to provide an additional safeguard for community facilities such as pubs, village halls, shops and local sports grounds.
- 2.10 After an initial period of publicity and interest, the provisions of the Localism Act have received little attention or support from national government in recent years. However, at local level, communities have been continuing to make use of the tool albeit the number of assets purchased by local groups remains relatively low.
- 2.11 The Department for Levelling Up, Housing and Communities does not collect formal statistics on either the number of listed assets or the number bought by community groups. However the Plunkett Foundation do

maintain an overall list which can be found here: [Keep it in the Community Homepage \(force.com\)](#)

- 2.12 In East Herts the current list of assets can be found at Appendix A and also here: [Assets of Community Value Register | East Herts District Council](#)
- 2.13 All the background information on how to nominate can be found here: [Assets of Community Value \(ACV\) | East Herts District Council](#)
- 2.14 Currently there are 26 assets listed. 4 of these have given notice to sell and the moratorium period has expired meaning if they have sold, they will no longer be listed. Of these 26, 3 new assets have been listed since the last report to Committee in September 2021. These are the Farmer's Boy pub near Brickendon, Horses Meadon and allotments, Dane End and the Boot pub, Dane End.
- 2.15 At the time of writing a further 5 assets are in the in process of being registered. These have all been approved and details sent to the land registry. The dates of registration will be put on the website when the land registry confirm they update. These are the Yew Tree pub, Walkern, the United Reform Church, Walkern, White Lion pub, Walkern, the Budgens, Walkern and Ley Parkland in Much Hadham. In the case of the assets in Walkern, these all expired in March 2022. The parish council were made aware and subsequently re-nominated the assets.

3.0 Reason(s)

- 3.1 The Community Asset register has to be kept up to date by East Herts Council, as outlined in the 2011 Localism Act.

4.0 Options

- 4.1 There are no options to not maintain the register as it is a statutory requirement

5.0 Risks

- 5.1 N/A

6.0 Implications/Consultations

- 6.1 Owners of any assets registered (including any leaseholders or tenants) are consulted with upon receiving a nomination

Community Safety

No

Data Protection

No

Equalities

No

Environmental Sustainability

No

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

No

Specific Wards

No

7.0 Background papers, appendices and other relevant material

- 7.1 Appendix A – East Herts District Council Assets of Community Value Register

Contact Member

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