

Assets of Community Value

City of London Corporation: Guidelines for Determining Nominations

Introduction

1. Part 5, Chapter 3, of the Localism Act 2011 introduced provisions for the designation of certain buildings or land as Assets of Community Value (ACV). Under Section 88 (1) of the Act, 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 use furthers the social wellbeing 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 wellbeing or social interests of the local community.
2. Under Section 88 (2) land or buildings can also be of community value if in the opinion of the authority:
 - a) There is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - b) It is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
3. Detailed regulations, the Assets of Community Value (England) Regulations, 2012, provide further guidance on the eligibility of voluntary or community bodies to nominate land or buildings and identify those land or buildings which are exempt from the provisions of the Act (i.e. cannot be designated as ACVs). In 2012, the Department for Communities and Local Government published non-statutory guidance for local authorities on the ACV process. Since 2011, many ACVs have been designated across England and this has established good practice and, in the case of appeals, case law which has interpreted the Act and Regulations.

Guidelines for Nominations in the City of London

4. This note provides guidelines for applicants seeking to nominate land or buildings in the City of London as Assets of Community Value.
 - **Section 1** deals with the legislative requirements which must be met for an application to be valid. Failure to provide the required information or meet the required definitions will result in the application being rejected as not valid.
 - **Section 2** sets out local criteria which will be considered by the City Corporation when dealing with applications for ACV status for public houses in the City of London.

Section 1: Validation of Nominations

A) Information Requirements

A nomination must contain the following information:

- A description of the nominated land or building, including its proposed boundaries. This should contain a plan showing the location of the land or building within the City of London.
- Any information available to the applicant about freeholders, leaseholders and occupiers of the land or building being nominated.
- The reasons for nominating the land or building.
- The applicant's eligibility to nominate the land or building.

B) Does the Applicant have a local connection?

The applicant must demonstrate a local connection with the City of London:

- The applicant's activities must be wholly or partly concerned with the City of London, or with a neighbouring borough (Westminster, Camden, Islington, Hackney, Tower Hamlets, Southwark or Lambeth).
- For not-for profit and unincorporated bodies, any surplus generated must be wholly or partly applied for the benefit of the City of London or its neighbouring boroughs.
- For unincorporated bodies, they must have at least 21 members who are registered for local government elections in the City of London or its neighbouring boroughs.

Supporting evidence will need to be submitted to demonstrate how the applicant meets these tests.

C) Status of the Applicant

An applicant seeking ACV status must be a voluntary or community body, as defined in Section 5 of the Regulations. The applicant must be one of the following:

- A designated Neighbourhood Forum, or
- A not-for-profit unincorporated body, comprising at least 21 members; or
- A registered charity; or
- A not-for-profit company limited by guarantee; or
- A not-for-profit industrial and provident society; or
- A community interest company.

To support a nomination, applicants will normally have to provide supporting evidence to confirm their status, such as articles of association or charity registration.

D) Land or building requirements

The applicant must demonstrate that the land or building being nominated as an asset of community value:

- Is located within the City of London.
- Is not listed in Schedule 1 of the 2012 Regulations as being exempt from designation. In the City of London this means:

- The land or building is not a residential property.
- The land or building is not defined as operational land for statutory undertakers.

E) Principal use of the land or building

A nomination must contain evidence to demonstrate that the current or recent use of the nominated asset is actually the primary or principal use of the land or building and not an ancillary use. In interpreting this provision:

- The City Corporation will have regard to the established planning use of the land or building.
- Recent use will normally be taken as within the past 3 years.

F) Evidence of continued/future use

Legislation requires that it is realistic to think that a current use can continue or that there could be a use in the next 5 years which, in either case, furthers the social wellbeing or social interests of the local community.

Legislation does not require the future use to be the same as the current or recent use, merely that the future use will further the social wellbeing or social interests of the local community. Such use does not have to be “likely”, but can be one of several realistic options, and must be more than “fanciful”.

The current owner’s intentions are relevant, particularly if it is likely that they will be implemented, e.g. a planning permission where there is strong evidence that it will be implemented. (However, a pending planning application to end or change the current use should not be pre-judged in order to inform the ACV decision, as such a planning application would be subject to separate consideration.)

Section 2: Guidelines for Public House Nominations in the City of London

It is not possible to anticipate all possible land uses that might be nominated as an ACV, nor provide guidelines on how each land use might be assessed. National experience has shown that the most common land use nomination has been the public house. Therefore it is considered helpful to provide guidelines on the approach that will be taken in the consideration of nominations submitted for public houses in the City of London.

The City Corporation recognises that public houses in the City vary greatly in their character, customers and in their contribution to the local community. It considers that they largely cater for the working population who tend to use a range of public houses for socialising with colleagues and others. Therefore many pubs have a transient or variable user base rather than a core of regulars who derive particular social value from a particular public house. However the City Corporation will consider each nomination on its merits taking into account the evidence submitted with the nomination in the context of the examples given in these guidelines. It is expected that nominations will normally include evidence relating to a wide range of the examples given in these guidelines.

Local Community

The City Corporation's Statement of Community Involvement already recognises that it is not appropriate to regard the 'local community' as being limited to just the resident community. The local community is not defined in the Act, and public houses in the City serve a range of customers including workers, residents and visitors. Such customers can form part of the local community providing they regularly frequent a public house and contribute to its community spirit. Therefore the local community served by a public house may comprise local residents and others who frequent it and regard it as their 'local'. To assist in the determination of a nomination, applicants should define the local community for the public house under consideration and justify this definition with supporting evidence.

Furthering Social Wellbeing or Social Interest

The City of London contains over 200 drinking establishments (Use Class A4) which include public houses and wine bars. They vary greatly in their character, customers and in their contribution to the local community. When considering a nomination for a public house as an ACV, City Corporation Members will use their local knowledge and consider the evidence submitted in support of the nomination. Such evidence should relate to the public house's role in furthering the social wellbeing or social interests of the local community.

'Social Wellbeing' is not defined in the Act but is generally taken to mean a condition where there is a positive sense of involvement contributing to quality of life or welfare. 'Social Interest' is defined to include cultural, recreational or sporting interests.

In order to list a public house as an ACV it should be shown that the local community derives social benefit from the use and that the local community would suffer a loss if the use ceased. The nature or consequence of the loss to the community should be identified.

Examples of evidence that would help show the use furthers social wellbeing or social interest include:

- 1) Evidence from local residents, other individuals and groups who use the public house that it furthers social wellbeing or social interests, e.g. letters, email, social media posts, petitions.
- 2) Evidence from local elected Members and other local community leaders that the public house furthers social wellbeing or social interests.
- 3) Evidence of awards, recognitions and recommendations earned by the public house.
- 4) Evidence of long term use as a public house contributing to a sense of place for the local community.
- 5) Other social or cultural associations with the local area.
- 6) Evidence it is a well-used venue for local sports and games competitions, e.g. pool, snooker, darts, dominoes, cards.
- 7) Fielding a representative 'pub team' in local sports or games leagues or other competitions, e.g. football, darts.
- 8) Evidence it is a well-used regular meeting venue for local clubs, societies, hobby groups, work-based groups and other special interest groups.
- 9) Evidence of the staging of frequent events which meet the needs of local customers, e.g. quiz nights, karaoke, parties, etc.
- 10) Evidence it is a well-used venue for local community events and services, e.g. Community Toilet Scheme membership, providing a venue for parties, family occasions, offering a room(s) for hire, catering available.

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