**Assets of Community value**

Under the Localism Act (sections 87-108), a principal authority must maintain a list of land in its area that is land of community value, its list of “assets of community value”. The land and that includes buildings may be in public or private ownership and may be listed for a period of up to five years, unless the Secretary of State by Order, substitute a longer period.

The Localism Act 2011 is intended to counter the perceived damage that can be done to communities and community services when buildings or other amenities are closed or sold, it sees the introduction of a rights for groups to bid and potentially buy local land that is considered to have community value which is referred to as an asset of community value.

A building or other land is an asset of community value if its main use has recently been or is presently used to further the social well-being or social interests of the local community and could do so in the future. The Localism Act states that “social interests” include cultural, recreational and sporting interests. There are some exemptions.

A building or piece of land will be deemed to have community value only if ;

* The use of the land or building currently, or in the recent past, furthers the social well-being or cultural, recreational or sporting interests of the local community.
* This use (as described above) of the land or building will continue to further the social well-being or interests of the local community.
* The use of the building or land must not be deemed ‘ancillary’, i.e.of secondary purpose. This means that the use of the land or building to further social well-being or interests of the community must be its principal use.

In neighbourhoods across the country there are buildings and amenities that are integral to the communities that use them. This could be the village shop, a pub, a community centre or a library for example. The closure of such buildings and amenities create lasting damage in communities.

A parish or community council or a local voluntary or community body may nominate land which it wishes to see included on the list (Localism Act 2011, S89 (1),(2) and the local authority must consider the nomination and must accept it if the land is in the authority’s area and is of community value.

Where land is included or removed from the list, the local authority must give notice to:

* The owner of the land
* The occupier of the land if the occupier is not also the owner
* To the person who made the nomination, if the land was included in the list in response to a community nomination
* Any person specified, or of a description specified in regulations

The effect of being listed is that should the asset come up for sale there will be a protected period during which a community interest group (which includes a parish council) may try to acquire it and save it for the community (Localism Act 2011, s95). The owner of the land or building must notify the local authority that he wishes to dispose of the land or building, and the authority must publicise receipt of this notice by making an entry in the list of assets of community value and by giving written notice to the person who made the nomination and by publicity in the area. If, before the end of the interim moratorium period, the authority receives from a community interest group a written request for the group to be treated as a potential bidder in relation to the land, the authority must pass on or inform the owner of the request.

During a moratorium period the owner cannot conclude the sale of the asset. There are two moratorium periods, both of which start from the date the owner of the asset notifies the local authority of their intention to sell the asset.

Interim moratorium period – this is a six week period during which a community group wishing to bid for the asset must notify the local authority that they wish to be considered as a potential bidder. If this does not happen the owner can proceed to a sale.

Full moratorium period – this a six month period during which a community group can develop a proposal and raise the capital required to purchase the asset.

There is also a protected period of 18 months from the same start date to protect the owner from repeated attempts to block a sale.

When a listed asset comes to be sold, a moratorium on the sale (of up to six months) may be invoked, providing local community groups with a better chance to raise finance, develop a business case and to make a bid to before the asset goes on the open market.

There are some circumstances when the disposal of an asset that is listed as having community value can be exempt from the regulations concerning the moratorium period.

These include:

* If the disposal is a gift
* If the disposal is made between members of the same family
* If the land or building being disposed of is part of a bigger estate
* If the disposal is of a building or piece of land on which a going-concern business is operating, provided that the sale is to a new owner to continue the same business (for example if the owner of a pub wants to sell the pub to a new owner, to continue running it as a pub)

Communities are full of valuable spaces, buildings and facilities, from gardens to local shops. Often these facilities can struggle to stay open, fall into disrepair or could benefit from a little extra care. If this is the case, communities can take them over and ensure the community get the best use out of them.

This could involve running a post office from the local pub, creating an orchard on previously disused land or saving a struggling neighbourhood shop.

There is lots of information and help available if you want to take over a local business or green space for the community. You can find out how to:

* run a community shop, with tips from the [Plunkett Foundation](http://www.plunkett.co.uk/whatwedo/rcs/ruralcommunityshops.cfm)
* run a community library, using [advice for Community Managed Libraries](http://libraries.communityknowledgehub.org.uk/action-planning-tool)
* use your community pub to keep and support local services, with [Pub is the Hub](http://www.pubisthehub.org.uk/)
* form a co-operative pub, with advice from the [Plunkett Foundation](http://www.plunkett.co.uk/whatwedo/Co-operativepubs.cfm)
* find a space to grow food, with [guidance for community groups and individuals](https://www.gov.uk/government/publications/space-for-food-growing-a-guide)
* set up a community orchard, using a [guide for community groups](https://www.gov.uk/government/publications/community-orchards-a-how-to-guide)

Community Pub Ownership

Pubs are very important. They play a variety of roles: they help create cohesion, they provide local character, they contribute to the local economy and they provide an important focal point for local communities.

There are now around 70 pubs across the UK owned and run by the local community [(including CAMRA's current National Pub of the Year the George and Dragon!)](http://www.camra.org.uk/press-releases/-/asset_publisher/L830JxvU2aWQ/content/co-operative-pub-takes-camra-pub-of-the-year-crown?_101_INSTANCE_L830JxvU2aWQ_redirect=%2Fpress-releases)

Community owned pubs are popping up all over the UK and are offering new and innovative ways for community groups to come together and offer innovative services to stay viable, from hosting the monthly local WI meeting to holding the village defibrillator.

Community owned pubs also allow local people to run and grow a business which meets the need of individual communities; often by offering other local services such as shops, post offices or a local library.

Some questions to ask before embarking on the path to community pub ownership :

* Why has the pub failed ?
* What will you do differently ?
* Are there other local services you could combine with the pub ?
* Social return and engagement is very important – how will you achieve this ?
* Can the pub be a viable business ?
* Will the pub need new investment ?

Pub is the Hub is an organisation of experienced advisers including volunteers from the pub, property and drinks industries. They work together with licensees and other relevant bodies to retain and create new services. Their aim wherever it is feasible is to help pubs stay at the heart of communities, acting quickly and innovatively to ensure the pub remains relevant to the needs of community.