



Title: **Asset of Community Value Nomination for Highcroft Park, Oadby**

Author: **Adrian Thorpe (Planning, Development and Regeneration Manager)**

1. Introduction

- 1.1. Section 88 of the Localism Act (2011) and the Assets of Community Value (England) Regulations (2012) set out the procedures for communities wishing to identify Assets of Community Value (ACV) and to have them listed.
- 1.2. A nomination has been received from Highcroft Householder Association (HHA) to list Highcroft Park in Oadby as an Asset of Community Value. This report provides an overview of the application that has been submitted by Highcroft Householders Association and a summary of the regulations that must be considered when the Council determines the application.

2. Recommendations

It is recommended that Members approve the nomination of Highcroft Park, Oadby, as an Asset of Community Value on the basis that it has been made by a qualifying community group and that the nominated asset “furthers the social wellbeing or social interests of the local community”.

3. Background to Assets of Community Value

- 3.1. The Localism Act 2011 (“the Act”) and the Assets of Community Value (England) Regulations 2012 introduced a right for voluntary or community groups to nominate buildings or pieces of land which contribute to the “social wellbeing or social interests” of the local community to be listed on a Assets of Community Value (ACVs) register which is managed and maintained by the relevant Local Authority.
- 3.2. Nominations can apply to public or private assets, although there are certain exemptions, including private homes.
- 3.3. The statutory tests which the Council must apply when assessing a nomination are:
 - (i) Its main use furthers the social wellbeing or cultural, recreational or sporting interests of the local community; and it is realistic to think that the main use will continue to further the social wellbeing or cultural, recreational or sporting interests of the local community; or,
 - (ii) Where the main use does not currently have such a community benefit, in the “recent past” it did have and the Council considers it likely that it would be able to have such a use in the next 5 years.
 - (iii) That the nomination is a community nomination made by a community or voluntary organisation or group which qualifies under the Act to make the nomination.
- 3.4. Where either criterion i) or ii), and criterion iii) of the above is met, the Council must list the land or building on its register of Assets of Community Value.

- 3.5. If the Council lists the nominated land, a restriction is placed on the asset when the land is registered. If the owner wishes to sell the asset or to lease it for more than 25 years, the owner is legally obliged to notify the Council. At this point, the Council will then need to inform the nominating group which begins an interim moratorium period of six weeks where the nominating group or any other eligible community group may register an interest in bidding for the asset. If during the six weeks a local community group expresses an interest in taking on the asset and continuing its community use, then the sale or lease is delayed for a six month period. This is designed to give the community group the opportunity to raise funds to try to purchase the asset at market value.
- 3.6. The owner is under no obligation to accept the community's bid over any other bid. There is no 'right of first refusal' for the community group, only the right to request the moratorium. The owner is free to work with other potential buyers and stimulate the wider market during the moratorium
- 3.7. Therefore, the Act enables local constituted groups to have a say in the future role of listed assets and if able, these bodies can delay the sale or lease by up to six months and in which time, they can put in a proposal to buy it themselves.
- 3.8. If an asset is listed, the asset owner has the right to appeal against this, initially through an internal review process and subsequently through an appeal to the First Tier Tribunal. The Council may be liable for costs associated with this and/or costs incurred to a property owner or former owner through loss or expense as result of the land being listed as an asset of community value.
- 3.9. If an asset is not listed, the Council must communicate its reasoning to the nominating group but the nominating group has no right to appeal against the decision.

4. Nomination

- 4.1. As a registered charity, Highcroft Householders Association submitted an application to nominate Highcroft Park, Oadby, as an Asset of Community Value (ACV) which was formally acknowledged by the Council on Wednesday, 1 February 2017. The land is located to the rear of residential properties on Ash Tree Road, Glen Way and Park Crescent, Oadby. Please note, a red-line plan indicating the location of the nominated land is attached as **Appendix 1** at the end of this report.
- 4.2. Highcroft Householders Association submitted the following information in support of their nomination:
 - an Assets of Community Value nomination form;
 - a red-line location plan;
 - evidence of the organisation's legal status;
 - evidence that the land is under the ownership of Highcroft Householders association; and,
 - evidence and supporting evidence to accompany the application, including a comprehensive selection of letters and pictures from local residents of varying ages explaining why the park is a real asset to their community.
- 4.3. As part of their nomination form, Highcroft Householders Association suggest that the park should be placed on the Council's Local List of Assets of Community Value Register because:

“Highcroft Park is unique. We know of no other community-owned park like this in the Borough. Its value is greater than simply as a place for exercise and to hold events.

It brings more people together than would otherwise meet and it supports the socialisation and independence of children. The park was established in 1957 and we want to ensure it remains as it is for the future benefit of residents.

For almost 60 years it has been a protected space managed and cared for by local residents. It is owned by Highcroft Householders Association who bought the land for one shilling. The conveyance document stipulated that the land should remain open and without any permanent fixtures. Hard ball games, dogs and other animals are not permitted and it now includes mature trees with preservation orders, a small woodland area, a wild meadow and willow tunnel. Wildlife in the park includes a variety of grassland and hedgerow wildflowers, at least 12 species of butterfly, bats, hedgehogs and a wide range of birds.

As well as its natural assets, the park is primarily the focus for neighbourhood gatherings and events, particularly in the summer. Each year there is a lively calendar of activities including a Rounders match, BBQs, cream teas, art activities, 5-aside football, impromptu music recitals and camp outs. We held parties for the Queen's Silver and Diamond Jubilees and celebrate individual's birthdays and organise carol singing and a Christmas meal for those who wish to join.

Each year residents come together to agree a programme of maintenance which includes a grass cutting rota, Spring clean, bulb planting and tree pruning. An annual voluntary fee (currently £10) is also agreed and Members of the Committee go round to invite residents to contribute.

For many, the park means more than participating in annual events. For those with children it has been a safe place to play away from the street, to explore, make friendships and develop independence. Places like this are becoming rarer now but increasingly important. It provides an opportunity to meet socially on regular occasions and to get to know each other. We are a diverse group with our origins and family connections in Asia, Africa, Latin America and Europe. The park brings people together and supports a greater understanding between us.

Highcroft Park is located in a popular residential neighbourhood close to a cluster of oversubscribed schools and within commuting distance of Leicester. House prices here have increased significantly in recent years and the HHA's trustees want to make sure there is no basis for challenge on the ownership of the land and that we secure it for the future as a tranquil place for the benefit of residents.

We believe that registering the park as an Asset of Community Value will help to make this a reality".

5. Timescale for Determining the Nomination

The Council must decide whether or not to list the nomination as an Asset of Community Value within 8 weeks of receiving the nomination. Highcroft Householders Association's nomination was formally received by the Council on Wednesday, 1 February 2017 and therefore, a decision on this nomination must be made by Wednesday, 29 March 2017.

6. Assessment of Nomination

- 6.1. Officers undertook a site visit on Tuesday, 14 February 2017, where they met two Members of the Highcroft Householders Association. Upon visiting the park and having read through the nomination submission, it is clear that Highcroft Park plays an important and valuable role for this community, fully encapsulating the objectives of an Asset of Community Value.

- 6.2. Highcroft Householders Association has demonstrated to the Council in its submission the role that this space plays in *furthering the social wellbeing or cultural, recreational or sporting interests of the local community*; and it is realistic to think that the main use will continue to further the social wellbeing or cultural, recreational or sporting interests of the local community for a long time to come, thus satisfying criterion (i) of the statutory tests.
- 6.3. Highcroft Householders Association is eligible to make a nomination as a 'registered charity', thus satisfying criterion (iii) of the statutory tests, also.

7. Potential Risks to the Council

Please refer to the 'Implications' section, below.

8. Next Steps

Should Members resolve to designate Highcroft Park as an Asset of Community Value, Officers will inform the Highcroft Householders Association of the decision and update the List of Assets of Community Value register on the Council's website (on the dedicated Community Right to Bid web page). The Council's Legal team will also inform the Land Registry of the designation, as well as update the Local Land Charges Register.

Background Documents:-

None.

Email: ed.morgan@oadby-wigston.gov.uk

Tel: (0116) 257 2650

Implications	
Financial (CR)	Property owners, and former owners, who believe they have incurred loss or expense as a result of their land being listed as an ACV may be able to claim compensation from the Council. The DCLG Community Right to Bid: Non-Statutory advice note for local authorities (2012) states that central government will meet the costs of compensation payments paid by local authorities of over £20,000 in a financial year (either for a single claim or a number of smaller claims). However, in this instance, the nominated land is owned by the nominating body and therefore, the risk of receiving a compensation claim for this ACV nomination is minimal.
Legal (AC)	The Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 requires local authorities to maintain a list of buildings and other land in its area that are registered Assets of Community Value and ensure that when such land is to be sold, local community groups have the opportunity to delay the sale to enable them to prepare a bid to buy it. The owner of the asset also has a right to claim compensation attributable to the listing. Upon approving a nomination, local authorities must also inform the Land Registry and update the Local Land Charges Register.
Risk (AT)	CR1: Decreasing Financial Resources Property owners, and former owners, who believe they have incurred loss or expense as a result of their land being listed as an ACV may be able to claim compensation from the Council. The DCLG Community Right to Bid: Non-statutory advice note for local authorities (2012) states that central government will meet the costs of compensation payments paid by local authorities of over £20,000 in a financial year (either for a single claim or a number of smaller claims).

	CR6: Regulatory Governance The Council is determining this ACV nomination on the basis of The Localism Act 2011; The Assets of Community Value (England) Regulations 2012; and, DCLG's Community Right to Bid: Non-Statutory advice note for local authorities (2012). Consideration should be given to preparing a locally adopted procedure.
Equalities (AT)	An equality impact screening assessment has been carried out and there are no equality and diversity implications arising from this report.
	Equality Assessment:-
	<input checked="" type="checkbox"/> Initial Screening <input type="checkbox"/> Full Assessment <input type="checkbox"/> Not Applicable

Appendix 1

Asset of Community Value Nomination for Highcroft Park, Oadby Brocks Hill Ward, Oadby, LE2 5YH

