

Beacon Street Area Residents' Association

Assets of Community Value

1. Background

The local community has acquired a new right, variously described as “the community right to bid” and “stop the clock”. It allows communities to take over assets such as empty shops, community halls, etc and run them. This may become more important as Local Council’s finances become more stretched and they are tempted to cut back on services or to sell off assets.

The Localism Act 2011:

- Requires that the Council maintain a list of *Assets of Community Value*.
- Allows Community groups to nominate assets for inclusion on the list.
- Requires that the Council notify the local community if property is put up for sale¹.
- Delays the sale, providing time for the community to raise funds and submit a bid.

Over the last few years Lichfield District Council has been involved in a number of such transactions e.g. the Garrick Theatre is now an independent trust, Chasewater has been transferred to the County Council and the Guild Hall was sold to the City Council. BSARA did not oppose any of these transactions. These transactions and others projects e.g. Friarsgate & the Park upgrade have shared two common features (a) the District Council ended up poorer and (b) there was little advance publicity and hence little opportunity to for the community to comment.

Community groups can nominate a building or land whose use furthers the social wellbeing or social interests of the local community. This is a right to nominate an asset, but there is no obligation on BSARA to either “stop the clock” or to bid for the asset, neither is there any obligation to run the asset. In most instances one would hope that the community would see the benefit of selling the asset and would not wish to intervene.

There have been threats of legal action where an asset has been nominated e.g. a boarded up pub being turned into flats. These threats have been against the local authority and the claim has been for the cost of the delay or the economic loss arising from the sale falling through. This issue will not arise in respect of the assets listed below, because it is our understanding that the District Council is the landowner and can therefore not sue itself.

¹ “disposal” includes transferring of freehold or assigning or granting a leasehold

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2. The Proposal

BSARA has nominated two properties for including in the list of *Assets of Community Value*:

- **Beacon Park** – To save money, other local authorities have entered into agreements with commercial partners or have pooled assets with other local authorities. This caused problems in Tamworth when the company running a swimming pool & gym got into difficulties. Nominating this asset would allow BSARA to express its views, via the Park Friends. The matter has been discussed at the Park Friends and they support this nomination.
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- **Woolies Car Park** – At a rather ill tempered City Forum, a planner from the District Council said that there was a “need” for a multi-story office block in the centre of Lichfield City and glibly suggested Woollies’ car park was a potential site. BSARA has submitted an objection to the Local Plan’s employment and economic development policy. This objection states that the District Council’s analysis is flawed no evidence of such a *need* exists.

3. Who can nominate an asset?

Nominations can only be made by *voluntary or community bodies*. BSARA meets the requirements (Regulation 5(1)(c) an unincorporated body with at least 21 members, which does not distribute any surplus it makes to its members). The Park Friends do not qualify.

4. Information to be included in the nomination

- A description of the nominated land including its proposed boundaries. These boundaries do not have to be the same as ownership boundaries, for instance as shown on the Land Registry plan if the land is registered; nor is it necessary for all parts of the nominated site to be in the same ownership.
- Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
- The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
- The nominator’s eligibility to make the nomination.