**LISTS OF ASSETS OF COMMUNITY VALUE**

**INTRODUCTION**

The Localism Act of 2011 may well be regarded historically as one of the most important pieces of legislation introduced by the present Government in terms of the introduction of safeguards for community assets. It was introduced on 21st September 2012, and the question now, is how can Cricket Clubs use it better to protect their sporting facilities in the community.

The League Cricket Conference and the National Cricket Conference would like to encourage and support clubs in their attempts to obtain a listing on their local authority’s list. We raised the issue with politicians during our meeting in November 2014 and they agreed that the issue was of benefit to clubs, indeed, following the meeting, a recent letter from Stephen Williams MP, Minister for Communities explains that 16 fields, pavilions and clubs have now been listed, and he joins us in encouraging clubs to seek a listing. His letter of the 20th November states “We can offer the community advice and support as to the best course of action through our Community Ownership and Management of Assets programme”.

**BASIC PRINCIPLES**

1. A local authority is required to keep a List of Assets of Community Value under Section 87 of the Act.
2. One of the organisations which can apply for Listing is “A Community Interest Group” (CIG). Such a group is defined in the regulations. It needs to have a minimum of 21 members, each of whom has a local connection with the community where the Asset exists. The group must be established, with a constitution, as a non profit making organisation and any surplus that it makes must be wholly or partly applied for the benefit of the local authority area
3. For the Asset to be listed, it must be shown under Section 88 (1) of the Act that the Asset as a main use
4. Furthers the Social Interest of the local community (defined in the legislation to include sporting, cultural, and recreational use).

**Or**

1. Furthers the Social Wellbeing of the local community

**And**

1. There is a reasonable prospect that the Asset can continue to be used for a Social Interest or Social Wellbeing of the local community.

**PROCESS FOR APPLYING FOR LISTING**

The process for applying requires the community interest group to prepare a Community Nomination under Section 90 of the Act and Regulation 6 of the Regulations.

The nomination needs to include

1. The names of the current occupants of the land to be listed
2. The names of the owners of the Freehold and any derivative leaseholder – these details can be obtained by carrying out a Land Registry search of the land
3. The reasons why the land should be listed
4. The local connection which the CIG has

Upon receiving the nomination the Local Authority under Regulation 7 has 8 weeks to decide whether to include the Asset on the List.

The Local Authority must then notify the Owners of the Asset and any Parish Council under Regulation 8 that an application for listing has been received and consider their observations.

The Local Authority must decide using “the balance of probabilities test” whether the two tests referred to in 3 above have been satisfied.

**BENEFIT OF LISTING**

Listing is primarily a delaying tactic, giving the Club the opportunity to bid for the land should the owner seek a sale. In addition however the listing may have an effect on future planning applications made by the owner.

The listing confers a “Right to Bid” rather than a Right to Buy.

The weakness in the legislation is that unlike in Scotland (which is still part of the UK), it does not give the CIub a Right of First Refusal.

**ACTION PLAN**

Check out your local authority website – using your search engine – type in List of Assets of Community Value with your local authority name and see what comes up!

Please check with your legal adviser that seeking a listing would be beneficial to your club.

 Currently my own local authority list includes 2 former libraries (listed by Friends of Groups), a pub, a church and a community centre.

Its of interest to note that in Knowsley DC, Prescott Cables FC have listed their facilities (currently owned by a property developer who has recently gone into liquidation), and in Liverpool the Liverpool Supporters Union have been successful in having Anfield Stadium listed.

Get your membership on board (at least 21 members need to be in agreement to seek a listing) then apply to your local authority for a listing. Make sure you tell your landowner what you are doing – don’t let it come as a surprise.

Then please share your experiences with us – we are here to help. We need to build up a database of experience to enable us to share best practice.

As mentioned previously the legislation gives the listed club the “right to bid” for their facilities or land. In Scotland the legislation goes further and extends to the “right to buy”. This is of much greater importance and is something that we have already raised with politicians. Looking to the future we will be actively lobbying for a change to the current legislation in England and Wales, so your experiences are vital to our plans. Please keep us informed of your experiences.

If you want further help or information look at [www.mycommunityrights.org.uk](http://www.mycommunityrights.org.uk)