

Notice of Motion

Motion to be moved by Councillor Hale:

Council notes:

- 1) The Asset of Community Value (ACV) regime was introduced under the UK Government's Localism Act, 2011. The ability to have a facility (most commonly a public house) listed as an ACV was introduced to deliver upon the then Government's promise to "give bold new powers to local people to protect and improve their much-loved community assets and preserve the social fabric of their neighbourhoods"* (*Caroline Spelman - 2009).

Council further notes:

- 1) The listing process allows a community asset to be listed when it satisfies the listing tests under Section 88(1) or (2) of the Localism Act. Namely that the use of the land furthers the social wellbeing of the local community and can realistically continue to do so.
- 2) Once listed the sale of such an asset is subject to moratorium provisions which are intended to delay sale and provide a window of time for a community bid. A property's status as an ACV can also be a material consideration in planning decisions relating to future development and may limit some Permitted Development rights under the Town and Country Planning (General Permitted Development) (England) Order, 2015. Nationally Both Councils and Planning Inspectors have taken account of listings in their determinations.
- 3) That in Hull only three assets are currently afforded ACV status.
- 4) That the Government has committed in November, 2024, to strengthening the ACV framework, stating it wants to replace this right to bid with a right to buy, with funding available to purchase community assets.

Council recognises that:

- 1) Although ACV accreditation "can also be a material consideration in planning decisions relating to future development" it is left up to individual Local Planning Authorities to determine how much weight, if any, to accord ACV status in a given planning application.
- 2) This lack of consistent national advice can lead to a varied picture in the UK.
- 3) There would appear to be a dichotomy and inconsistency between one section of a Local Authority affording ACV status, to an asset and the Planning Authority in that same area not "materially considering" this status in planning applications, especially as the Government has committed to tightening up this community right.

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Council further recognises:

- 1) That Hull City Council has often used Supplementary Guidance to strengthen local decision making where it has felt the need, such as with the Article 4 provision in both the Avenue Conservation Area, and elsewhere in the City pertaining to tightening the Planning requirements around the registering of smaller Houses in Multiple Occupation (HiMOs).

Council therefore believes:

- 1) That affording of ACV status is an important recognition locally of the importance of certain assets within our community.
- 2) That any ACV status in the Hull City Council boundary area should be a material consideration during determination of a planning application.

Council resolves to:

- 1) Request that Supplementary Planning Guidance be developed within the revised Local Plan to ensure that there is guidance upon material considerations in any planning application including considering the status and weighting of an ACV as a “material consideration” of the ACV status within a determination.

Sources:

Localism Act, 2011

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