

# FAREHAM

## BOROUGH COUNCIL

### Report to the Executive for Decision 11 November 2022

<b>Portfolio:</b>	Leisure and Community
<b>Subject:</b>	<b>Asset of Community Value Nomination</b>
<b>Report of:</b>	Director of Leisure and Community
<b>Corporate Priorities:</b>	Strong, Safe, Inclusive and Healthy Communities

#### **Purpose:**

To assess the nomination to register Haven House Visitor Centre and Café as an asset of community value.

#### **Executive summary:**

Hampshire County Council (HCC) owns the Titchfield Haven National Nature Reserve and has recently consulted on a proposal to sell two buildings on the site; Haven House and Haven Cottage. The HCC engagement exercise closed on 1 November 2022.

Haven House is a two-storey building currently housing a visitor centre, café, meeting room and public toilets, as well as office space, ticket and membership sales point for Titchfield Haven National Nature Reserve and a residential flat used on an ad hoc basis by Nature Reserve Rangers when undertaking their duties. If HCC's proposals are approved, the café will close on the 23 December 2022.

On 10 October 2022, Hill Head Residents' Association (HHRA) submitted an Asset of Community Value (ACV) nomination form to Fareham Borough Council, asking that Haven House Visitor Centre and Café be registered as an ACV.

Registration of Haven House Visitor Centre and Café as an ACV would prevent HCC from selling the asset, for up to 5 years, without HHRA being given the chance to bid for it.

There is a strict set of legal conditions that any nomination needs to demonstrate for an asset to qualify as an ACV. If it qualifies the Council must register it by the deadline of 5 December 2022 (8 weeks from receipt of valid nomination)

This paper outlines the evidence submitted as part of the nomination and assesses whether it matches the legal criteria.

Under Fareham Borough Council procedures, decisions on whether to include an asset on the Assets of Community Value register are delegated to the Director of

Leisure and Community. However, given the high-profile Borough wide interest in Haven House Visitor Centre and Café, the Director of Leisure and Community has referred this decision up to the Executive in this instance.

**Recommendation/Recommended Option:**

It is recommended that the Executive approves the registration of Haven House Visitor Centre and Café as an Asset of Community Value.

**Reason:**

The nomination form submitted by Hill Head Residents' Association meets the required criteria for listing.

**Cost of proposals:**

No cost.

**Appendices:**      **A:** Indicative site plan - Haven House Visitor Centre and Café  
                             **B:** Asset of Community Value nomination form – Haven House Visitor Centre and Café

**Background papers:**

**Reference papers:**

# FAREHAM

## BOROUGH COUNCIL

### Executive Briefing Paper

<b>Date:</b>	11 November 2022
<b>Subject:</b>	Asset of Community Value Nomination
<b>Briefing by:</b>	Director of Leisure and Community
<b>Portfolio:</b>	Leisure and Community

#### Introduction

1. Following receipt of an Asset of Community Value (ACV) nomination from Hill Head Residents' Association (HHRA), this paper sets out the evidence provided and assesses whether it meets the legal registration criteria.

#### Background

2. Haven House Visitor Centre and Café is controlled by Hampshire County Council (HCC) as freeholder and forms part of the Titchfield Haven Nature Reserve site. HCC has recently consulted on the proposal to sell two buildings on the site; Haven House and Haven Cottage. This would allow them to reinvest the proceeds back into the reserve. The engagement exercise closed on 1 November 2022.
3. Haven House currently houses a visitor centre, café, meeting room and public toilets, as well as office space, sales point for Titchfield Haven National Nature Reserve and a residential flat. Appendix A sets out an indicative site plan of Haven House Visitor Centre and Café. If the proposals are approved following consultation, the café will close 23 December 2022.
4. On the 10 October 2022, Hill Head Residents' Association (HHRA) submitted an Asset of Community Value nomination form to Fareham Borough Council, asking that Haven House Visitor Centre and Café be registered as an asset of community value under the Localism Act 2011. The completed nomination form is attached as Appendix B. The deadline for determination of the nomination is 5 December 2022 (8 weeks from receipt of the application).
5. Registration of Haven House Visitor Centre and Café as an Asset of Community Value would prevent Hampshire County Council from selling the asset, for up to 5 years, without the nominating group being offered an opportunity to bid for it as part of any proposed sale. The group would have 6 weeks from being given notice of a prospective sale to give notice of an intention to bid and 6 months to submit a bid. Hampshire County Council would be required to consider the bid alongside any other bids for the property but would be under no obligation to sell to the group.

## **Qualifying criteria**

6. HHRA have submitted the ACV nomination as an unincorporated body. This is an organisation where two or more people come together for a particular purpose but decide not to use a formal structure like a company. This meets the nominating criteria for an ACV.
7. Additionally, the nomination needs to demonstrate that it meets both of the following criteria:
  - i. Current community use: The land or building is currently being actually used to further the social wellbeing or social interests of the local community (“community use”) and this use is not an ancillary use.
  - ii. Future community use: It is realistic to think that there can continue to be use of the land or building which is not ancillary and which will further community use. This future community use is not limited to the current use and so an entirely different community use can be proposed and will suffice.

## **Nomination Application Evidence**

8. Hill Head Residents’ Association has provided evidence of its status as an unincorporated body. The Resident’s Association has also provided evidence that Haven House Visitor Centre and Café is currently being used to further social wellbeing or social interests in the local community as follows:
  - a. The café is accessible to residents of Hill Head, meaning most residents walk which helps promote health and wellbeing.
  - b. The café provides a welcoming environment to meet and socialise, encouraging community cohesion and a collective sense of wellbeing.
  - c. Haven House Visitor Centre and Café is fully accessible to disabled and elderly people.
  - d. The outdoor seating area provides a space for people who wish to avoid crowded indoor spaces but still enjoy the social benefits of sharing a coffee or a meal.
  - e. The café is used by elderly people – including some with dementia – to provide a safe welcoming place to visit. This helps reduce feelings of isolation.
  - f. Haven House Visitor Centre and Café supports leisure users of the local area, including cyclists, swimmers, surfers, and walkers.
  - g. Local groups of all ages use the centre as a meeting point and promotes activities for children during school holidays.
  - h. The centre provides a showcase for local cultural heritage, including an archaeological exhibition, and links with Stubbington Study Centre.
  - i. Haven House Visitor Centre and Café showcases the work of local artists and jewellers, providing a platform for local talent. Seasonal exhibitions and showcases are held throughout the year.

9. It is considered realistic to expect that the use of Haven House Visitor Centre and Café could continue if the property is no longer held for use associated with Titchfield Haven National Nature Reserve (e.g. ticket sales and membership sales). It can continue to support social wellbeing and social interests for the local community, not only through the café but by being offered for use by community groups as a meeting space and for exhibitions by local artists and jewellers. The test in this regard considers what is physically and legally possible as a use of the site, regardless of the intentions of the owners of the site.

### **Application feedback**

10. Following receipt of the nomination form, local Ward Councillors, Cllr Mrs Mandry and Cllr Dugan and the Executive Member for Leisure and Community, Cllr Mrs Walker were all asked for representations in response to the nomination. All Councillors expressed their support for the nomination.
11. Hampshire County Council were also contacted as the freeholder of the building and confirmed that they did not object to the nomination. They were, however, keen to confirm that an ACV listing would not be interpreted to include Haven Cottage, or any parts of the wider site required for use by Titchfield Haven National Nature Reserve.
12. Premises that are primarily residential are excluded from the definition of an ACV. However, HCC has confirmed that the residential flat is integral / ancillary to the property, used by staff for the purposes of their duties at the site and should be regarded in that way.

### **Recommended approach**

13. As Hill Heads Residents' Association's nomination has met the legal qualification criteria outlined above, it is proposed that Haven House Visitor Centre and Café be added to the Council's register of Assets of Community Value. As the residential flat which forms part of Haven House Visitor Centre and Café is integral to the property it should be included in the registration.

### **Next steps**

14. If registration of Haven House Visitor Centre and Café is approved, we would add it to our published list of Assets of Community Value. It would also be recorded as a charge against the property with the Land Registry.
15. The ACV listing would be reviewed every two years to ensure it remains current or on application from any interested party if they can demonstrate a material change of circumstances at the site, such that the site would no longer qualify as an ACV. The Council would be required to remove the asset from the list as soon as practicable in the following circumstances:
  - After a relevant disposal (other than an exempt disposal, such as where the land or building being sold forms part of a bigger estate, or the sale is to a new owner who will continue the same business).
  - When an appeal against a listing has been successful.
  - When in the Council's opinion that the asset is no longer of community value.
  - No later than 5 years from the date of entry on the list.

16. If HCC decides to dispose of Haven House Visitor Centre and Café during the period of listing, they must advise Fareham Borough Council of their intention to sell. Fareham would then publicise this, with key dates on our website and also inform HHRA.

17. The following timeframes would then come into effect:

- Hill House Residents' Association would have 6 weeks to decide and inform Hampshire County Council if they wish to submit a bid for the asset.
- If HHRA decided to bid for the asset, they would have 6 months to become an incorporated body and raise the funds to purchase the asset.
- At the end of the six months (or sooner on receipt of an earlier bid), Hampshire County Council would review all bids and choose who to sell the asset to. They would be under no obligation to sell the asset to Hill House Residents' Association.

### **Conclusion**

18. A nomination form from Hill Head Residents' Association has been submitted for the registration of Haven House Visitor Centre and Café as an Asset of Community Value and is presented for consideration.

### **Enquiries:**

For further information on this report please contact Kat Hillman. (Ext 4443)

**Appendix A**

Indicative Site Plan of Haven House Visitor Centre and Café

