

Committee:	Cabinet	Date:	14 March 2018
Title:	Nominations for Assets of Community Value		
Portfolio Holder:	Councillor S Barker		
Report Author	Sassi Mannion, Legal Assistant, 01799 510361	Key decision:	No

Summary

1. The Localism Act 2011 introduces a concept of an 'Asset of Community Value'. Section 87 of the Localism Act places a duty of Local Authorities to 'maintain a list of land in its area that is land of community value'.
2. An Asset is of community value if (in the opinion of the local authority) either:
 - an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
 - it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

or

 - there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
3. The Act states that "social interest" "includes (in particular) each of the following – (a) cultural interest, (b) recreation interest and (c) sporting interests.
4. Assets of community value are buildings or land which involve the physical use by the community and include for example a village shop, pub, community centre, allotment or recreation ground.
5. In March 2013 the District Council listed 10 assets of community value which remain on the list for five years. These assets will therefore be removed from the list on 26 March 2018. Town and Parish Councils were invited to re-nominate these assets.
6. 4 sites have been re-nominated and there are no new nominations.

7. The purpose of this report is to enable members to determine in each instance:
 - a. Whether each is a valid nomination;
 - b. Whether the use of the building (current or recent past) furthers the social welling or interests of the community;
 - c. Whether it is realistic to think that in the next 5 years the building could be used to further the social wellbeing or interests of the community.

In considering these questions, members need to consider principal, rather than ancillary, uses of the building.

If members conclude that the answers to these questions are “yes”, the building should be included in the list of assets of community value.

Recommendations

8. Recommended for Listing
Appendix 1 to this report sets out the details for each of the nominations which officers recommend for listing as an asset of community value. These are
 - a) Allotments, High Easter
 - b) Jubilee Wood, High Easter
 - c) Playing Field, High Easter
 - d) Village Hall, High Easter
 - e) WI Hall, High Roding
9. The nomination forms in full and maps can be viewed on the website under [currently nominated assets](#).

Financial Implications

10. There are direct financial implications arising at this stage which relate to the formal process of identifying and contacting asset owners and, if relevant, registering an asset as a Land Charge. These costs can be met from existing budget and staff resources.
11. There is also an unquantifiable financial risk to the Council, if there was a claim for compensation. This needs to be kept under review and at an appropriate time consideration should be given to establishing a contingency reserve to mitigate the risk to the Council's budget. However, the potential liability should not be taken into account in deciding whether or not this is an asset of community value.

Background Papers

12. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.

13. Submission for consideration as Assets of Community Value and any representations available on the website at under [currently nominated assets](#).

Impact

14.

Communication/Consultation	In line with paragraph 8 of The Assets of Community Value (England) Regulations 2012 the Council have taken all practicable steps to give information that it is considering listing the land to the owner of the land, freeholder and occupant. This has taken the form of letters.
Community Safety	No impact.
Equalities	The duty will affect all equally.
Health and Safety	No impact.
Human Rights/Legal Implications	Pursuant to s.19 Human Rights Act 1998 the Secretary of State has certified that in his opinion the Localism Act is compatible with the Convention rights.
Sustainability	If the land is included on the list of Community Assets it will form a Land Charge.
Ward-specific impacts	High Easter
Workforce/Workplace	No impact

Situation

a. Is this a valid nomination?

15. S89 of the Act states that land in a local authority area which is of community value may be included in its list of assets of community value only in response to a “community nomination”, or where permitted by regulation made by the Secretary of State. A community nomination means a nomination by a parish council in respect of land in the parish council’s area or “by a person that is a voluntary or community body with a local connection”.
16. All the nominations have been made by Town or Parish Councils falling within the definition of a parish council for these purposes and the nominated properties are within their respective areas.
17. A nomination must also include:

- i. A description of the nominated land including its proposed boundaries.
- ii. Any information the nominator has about the freeholders, leaseholders and current occupants of the site.
- iii. The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
- iv. The nominator's eligibility to make the nomination.

18. If it meets these requirements it is a valid nomination under S89(2)(i).

b. Does the use of the building (current or recent past) further the social wellbeing or interests of the community?

19. Appendix 1 sets out the evidence submitted by High Easter Parish Council in their nomination form of why it believes that the building or land furthers the social wellbeing or interests of the community.

c. Is it realistic to think that in the next 5 years the use of the building could further the social wellbeing or interests of the community.

20. In considering this question, the test is whether it is "realistic" to think that the use of the building could further the social wellbeing or interests of the community. It is not a balance of probabilities test – realistic means "more than fanciful". The use does not have to be the same as that which took place within the recent past.

21. Appendix 1 sets out the evidence submitted by High Easter Parish as to how the community could acquire the land so that the current uses can continue or increase.

Representations

22. The Council has not received any representations regarding the proposed assets of community value. Any representations received after publication of the report will be reported to Members at the meeting.

Conclusion

23. Valid nominations have been made to the Council.

24. Members need to consider whether the evidence provided shows that the property, current or in the recent past, furthers the social wellbeing or interests of the community.

25. Members need to consider whether it is realistic to think that the property can continue to be used in a manner that furthers the social wellbeing and interests of the local community.

26. Consideration of these issues will lead the Cabinet to determine whether the properties listed in Appendix 1 should be included in the list of assets of community value.

Risk Analysis

27.

Risk	Likelihood	Impact	Mitigating actions
The nominating body or the owner is unhappy with the decision reached.	High risk that one of the bodies will be unhappy with the decision.	<p>The owner has rights of internal review and appeal and can claim for compensation.</p> <p>The nominating body does not have rights of review or appeal. A new nomination can be made with additional information.</p> <p>If it felt the Council had acted unlawfully, it could seek to challenge by way of judicial review.</p>	Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which comply with the criteria are included.

1 = Little or no risk or impact

2 = Some risk or impact – action may be necessary.

3 = Significant risk or impact – action required

4 = Near certainty of risk occurring, catastrophic effect or failure of project

Appendix 1: Qualifying Nominations which officers consider meet the tests of the Act and are recommended for listing as an Asset of Community Value.

Details of Nomination and background information	Evidence submitted by the nominating body in their nomination form as to why it believes that the property furthers the social wellbeing or interests of the community.	Information submitted by the nominating body in their nomination form as to how the building or land could be acquired and used in the future.	Officer Advice
ALLOTMENTS			
<p>High Easter Allotments, The Street</p> <p>Owner: Adam Marriage</p> <p>Nominated by High Easter Parish Council</p> <p>Current nomination expires 26/03/18</p>	<p>There are 6 allotments used by residents who would not otherwise have space at their own properties to grow produce.</p>	<p>The Parish Council would work with the landowner, tenants and wider community to look at financing options</p>	<p>The property furthers the social wellbeing and interests of the community as a meeting place for individuals and groups who use the property as a place to meet and socialise to further their cultural, recreational or sporting interests.</p> <p>It is realistic to think that the property can contribute to be used in a manner that furthers the social wellbeing and interests of the local community.</p>

MEETING PLACES			
<p>High Easter Village Hall Owner: High Easter Village Hall Nominated by High Easter Parish Council Current nomination expires 26/03/18</p>	<p>The hall is a popular meeting place for the local community. It hosts local events and national celebrations as well as being available for private parties and community groups. There is also a committee room, licensed bar and external sports changing facilities all of which are very popular</p>	<p>If the charity that owns the hall ever wishes to sell the Parish Council will look at possible options for financing</p>	<p>The property furthers the social wellbeing and interests of the community as a meeting place for individuals and groups who use the property as a place to meet and socialise to further their cultural, recreational or sporting interests.</p> <p>It is realistic to think that the property can contribute to be used in a manner that furthers the social wellbeing and interests of the local community.</p>
<p>High Roding WI Hall Owner: High Roding WI Nominated by High Easter Parish Council NEW NOMINATION</p>	<p>The only meeting hall in the village it has many uses such as WI meetings, toddler groups, social gatherings, fundraising events, meetings of the Parish Council and use as a polling station</p>	<p>The Parish Council would try to purchase it for the benefit of the village. Using either a loan, Council reserves or fund raising. Groups would still be charged a small amount for use to cover running costs.</p>	<p>The property furthers the social wellbeing and interests of the community as a meeting place for individuals and groups who use the property as a place to meet and socialise to further their cultural, recreational or sporting interests.</p> <p>It is realistic to think that the property can contribute to be</p>

			used in a manner that furthers the social wellbeing and interests of the local community.
RECREATIONAL / SPORTING			
<p>High Easter Playing Field, The Street</p> <p>Owner: High Easter Parish Council</p> <p>Nominated by High Easter Parish Council</p> <p>Current nomination expires 26/03/18</p>	<p>This playing field provides an outdoor community space for use by all. Facilities include an enclosed play area, football pitch and small 5 a side pitch and the village beacon. There is also a free car park. The football pitch is used regularly by local teams and it is also the finish line for the annual High Easter 10k.</p>	<p>There is strong support for the playing field in the village. If there was ever a suggestion of its being sold the Parish Council would look at financing options with the community.</p>	<p>The property furthers the social wellbeing and interests of the community as a meeting place for individuals and groups who use the property as a place to meet and socialise to further their cultural, recreational or sporting interests.</p> <p>It is realistic to think that the property can contribute to be used in a manner that furthers the social wellbeing and interests of the local community.</p>
<p>Jubilee Wood in the Henry Marriage Memorial Meadow</p> <p>Owner: Adam Marriage</p> <p>Nominated by High Easter Parish Council</p> <p>Current nomination expires</p>	<p>The Wood was planted by the community in 2012 and the Parish Council is responsible for the planting and maintenance of the wood.</p> <p>There are footpaths to walk on</p>	<p>The Parish Council is responsible for maintaining the woodland and would work with the landowner and the community to look at possible finance options if it were ever</p>	<p>The property furthers the social wellbeing and interests of the community as a meeting place for individuals and groups who use the property as a place to meet and socialise to further</p>

26/03/18	with full public access and a bench to sit and reflect.	to be sold.	<p>their cultural, recreational or sporting interests.</p> <p>It is realistic to think that the property can contribute to be used in a manner that furthers the social wellbeing and interests of the local community.</p>
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