

Committee: Cabinet

Agenda Item

Date: 17 September 2014

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Title: Assets of Community Value

Portfolio Holder: Cllr Barker and Rolfe

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. Officers have requested submission from Parish and Town Councils and this report reports the most recent response.

Recommendations

3. To agree NOT to include The Old School House, Takeley on the Assets of Community Value list.

Financial Implications

4. 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.
5. There is also an unquantifiable financial risk to the Council. 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.

Background Papers

6. Submissions for consideration as Assets of Community Value

Impact

- 7.

Communication/Consultation	Notice to the owner is required.
Community Safety	No impact.
Equalities	The duty will effect all equally.
Health and Safety	No impact.
Human Rights/Legal	Pursuant to s.19 Human Rights Act 1998

Implications	the Secretary of State has certified that in his opinion the Localism Act is compatible with the Convention rights. If, contrary to the recommendation, the land is included on the list of Community Assets it will form a Land Charge.
Sustainability	No impact.
Ward-specific impacts	Takeley and the Canfields
Workforce/Workplace	Work will be coordinated within the Planning and Housing Policy, Land Charges and Legal Teams.

Situation

8. 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'.
9. Section 87 states as follows "*s. 87 of the Act requires local authorities to maintain a list of land and buildings in their areas which are of community value. Entry of an asset on the list lasts for 5 years although it may be able to be removed earlier in certain circumstances which may be specified in secondary legislation. Subject to the Act and any regulations made under it the form of the list is in the local authority's discretion.*"
10. An Asset is of community value if (in the opinion of the local authority) either:
 - The current use furthers the social wellbeing or interests of the local community; and
 - it is realistic to think that at some time in the next five years the Asset will further the social wellbeing or social interests of the community or
 - there was a time in the recent past when a use of building or land had furthered the social wellbeing or interests of the community; and
 - it is realistic to think that in the next five years the building/land could further the social wellbeing or interests of the community.
11. Although it is for the local authority to determine whether an Asset falls within the criteria to be included in the list s. 89 provides that Assets may only be included in the list in response to a community nomination (a parish council or a voluntary or community body with a local connection) or in circumstances contained in secondary legislation. In addition to the List of Assets of Community Value the council must also maintain a list of land which has been the subject of unsuccessful community nominations.
12. The Act defines social interest as: cultural interest, recreation interest and sporting interests which is a fairly wide definition.

Assessment

Old School House, Takeley

13. Takeley Parish Council have submitted a request to the Council to consider the listing of the Old School House, Takeley. This property was originally constructed as a school but ceased this use in 1965 when the new school was built in Roseacres.
14. The building was then used as a youth club until 2007/2008 when it was closed. The pressure group Stop Stansted Expansion then rented the property until 2011 when they vacated. Since then the building has not been in use.
15. The Parish Council wish to re-use the building as a youth centre creating a much needed facility for the wider village area.
16. The District Council needs to consider whether the criteria in paragraph 10 above are met to enable a property to be registered as a Community Asset.
17. Under the first two points the property cannot be listed as it is NOT currently in a use which furthers the social wellbeing or interests of the local community. Under the second consideration the property has NOT in the recent past been in a use which furthers the social wellbeing or interests of the local community.
18. Therefore the property does not qualify on either count to be registered as an Asset of Community Value.

Conclusion

19. The Council has received a valid request for consideration and the recommendation is set out in paragraph 3.

Risk Analysis

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Risk	Likelihood	Impact	Mitigating actions
The nominating body is unhappy with the decision reached.	1 – If the property comes onto the market the nominating body can always bid.	2 – While there might be some cost exposure this would be minimal	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.