

Committee: Cabinet

Agenda Item

Date: 23 July 2015

13

Title: Assets of Community Value

Portfolio Holder: Cllr Barker

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 to include the following on the Assets of Community Value list:
 - Three Willows Public House, Birchanger
 - Birchanger Social Club and Field
 - Birchanger Village Sign

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.
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Community Safety	No impact.
Equalities	The duty will effect 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	No impact.
Ward-specific impacts	Stansted South and Birchanger
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

Three Willows Public House

13. Birchanger Parish Council has submitted a request to the Council to consider the listing of the Three Willows Public House. This is the only public house in the village and is well used by residents. It meets all the four tests set out in paragraph 10 above. It is therefore recommended that it is added to the 'Assets of Community Value list.'

Birchanger Social Club and Field

14. Birchanger Parish Council has submitted a request to the Council to consider the listing of the Birchanger Social Club and Field. The club is an important meeting place for residents to meet. There are a number of events that take place, including sporting activities and live music. It meets all the four tests set out in paragraph 10 above. It is therefore recommended that it is added to the 'Assets of Community Value list'.

Birchanger Village Sign

15. Birchanger Parish Council has submitted a request to the Council to consider the listing of the Village Sign. The sign was funded by the Open Gardens Committee and the Parish Council feels that it gives greater profile and identity to the village. It also demonstrates the historic importance. It meets all the four tests set out in paragraph 10 above. It is therefore recommended that it is added to the 'Assets of Community Value list'.
16. The Council has not received any representations regarding any of the above proposed assets of community value.
17. 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 relevant Parish Council, owner of the land, freeholder and occupant. This has taken the form of letters and site notices.

Conclusion

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

Risk Analysis

- 2.

Risk	Likelihood	Impact	Mitigating actions
Compensation may be payable if the value of the Asset declines from the time of notification to the Council to final sale.	3 – Fluctuations in property value are common and unpredictable.	3 – Unquantifiable as this will depend on the number of Assets included on the List, the number which come up for sale, the amount of community interest in purchasing the Asset and any fluctuation in property value.	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.