

Committee: Cabinet
Date: 10 December 2015
Title: Assets of Community Value
Portfolio Holder: Cllr Barker

Agenda Item

19

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:
 - Upper Hill Green, Clavering
 - Fox and Hounds Public House, Clavering
 - The Yew Tree Public House, Manuden

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 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	Clavering and Manuden
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

Upper Hill Green, Clavering

13. Clavering Parish Council has submitted a request to the Council to consider Upper Hill Green, Clatterbury Lane as an asset of community value. The land is currently registered as a village green and is used as a cricket field by the village cricket club. It is also used as amenity green space and play space. Upper Hill Green 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.

Fox and Hounds Public House, Clavering

14. Clavering Parish Council has submitted a request to the Council to consider The Fox and Hounds Public House, High Street, Clavering as an asset of community value. The Fox and Hounds is situated in the heart of the village and is a 'traditional' pub which is host to a number of community activities such as quiz and music nights. It is also a meeting place for local groups and fund raising events. The Fox and Hounds 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.

The Yew Tree Public House, Manuden

15. Manuden Parish Council has submitted a request to the Council to consider The Yew Tree Public House as an asset of community value. The pub is currently owned by Donald Moody Investments and Development LTD. The Yew Tree is situated in the centre of the village and is the only pub in Manuden. The Yew Tree is a pub, restaurant, a hotel and offers function rooms. The Parish Council state that a number of events were held at the pub in the past including quiz nights, WI meetings and a May Ball in 2012. However, it is not evidenced that these meetings/events have taken place in the pub recently. The pub, however, does host the fireworks evening in November and carol singing at Christmas.
16. Donald Moody Investments and Developments LTD has objected to the nomination, stating that the pub is not used regularly by locals, nor is it used as a meeting place for clubs/groups as the new community centre is the preferred location for events. They argue that the pub does not further the social wellbeing and interests of the local community and should not be listed as an asset.
17. The Yew Tree has an important community function; it is the only pub in the village, providing a place for members of the local community to come together. The opening of the local community centre offers local residents a choice of meeting places and venues; this does not make the Yew Tree less important to the community. It is therefore recommended that the Yew Tree

Public House is added to the Assets of Community Value list as it meets all the criteria in paragraph 10 above.

Conclusion

1. The Council has received valid requests for consideration and the recommendation is that all 3 nominations are added to the Assets of Community Value list.

Risk Analysis

2.

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.