

Committee: Cabinet

Agenda Item

Date: 16 February 2016

22

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'.

Recommendations

2. To agree to include the following on the Assets of Community Value list:

- The Elmdon Dial, Elmdon

To agree not to include the following on the Assets of Community Value List, but include in the Unsuccessful Nomination List:

- The Green Man, Takeley

Financial Implications

3. 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.
4. 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

5. Submissions for consideration as Assets of Community Value

Impact

- 6.

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	Elmdon and Takeley
Workforce/Workplace	Work will be coordinated within the Planning and Housing Policy, Land Charges and Legal Teams.

Situation

7. 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'.
8. 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.*"
9. 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.
10. 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.
11. The Act defines social interest as: cultural interest, recreation interest and sporting interests which is a fairly wide definition.

Assessment

The Elmdon Dial, Elmdon

12. On the 21st December 2015 Uttlesford District Council received a nomination to register the Elmdon Dial Public House as an asset of community value from the North West Essex Campaign for Real Ale.
13. The Campaign For Real Ale is a company limited by guarantee and is therefore an eligible body to nominate.
14. The Elmdon Dial public house is located in the heart of the village off Haydon Lane, there is a large parking area and beer garden. The pub closed in 2013, prior to its closure the pub offered the community a meeting place for local people and local sporting groups, including the cricket and football teams. Regular quiz nights were hosted and the pub was a member of CAMRA's LocAle scheme.
15. One representation was received from a local resident who stressed the importance of the pub for the local community and supported the nomination.
16. Whilst the pub has been closed for several years the Elmdon Dial is the only pub in the parish, it stands in a prominent position in the village and is still fit for purpose and considering there are examples of other public houses in the district which are assets of community value, it is reasonable to think that there is a time in the next 5 years where the Elmdon Dial could further the social wellbeing or social interests of the community. It is therefore considered that it meets the following tests set out in paragraph 9 above:
 - in the recent past the building had furthered the social wellbeing or interests of the community and
 - that it is realistic to think that in the next five years the building could further the social wellbeing or interests of the community.
17. It is therefore recommended that it is added to the Asset of Community Value list

The Green Man Takeley

18. On the 21st December 2016 Uttlesford District Council received a nomination to register The Green Man Takeley as an asset of community value from the North West Essex Campaign For Real Ale.
19. The Campaign For Real Ale is a company limited by guarantee and is therefore an eligible body to nominate.
20. The Green Man is a Grade II listed building located on The Street, Takeley, there is a parking area and garden. The Green Man closed as a pub in September 2015, prior to its closure it played host to live music events, quiz

nights and provided a meeting place for the local community and offered function rooms to hire.

21. The nominating body states that The Green Man is 400 years old and is the only pub serving Takeley Street. The Green Man is to the west of Takeley, the nearest public house is The Four Ashes in the centre of Takeley, roughly 1 mile away.
22. The Green Man has recently changed use from a public house to a café and guest house. The ground floor is The Heritage Coffee Company serving food and non-alcoholic beverages. The change of use was completed under permitted development rights and did not require planning permission. However, for the café to now turn back into a public house planning permission would be required as this is not covered by permitted development rights. The owner also surrendered the premises licence and a new licence would be required to re-open as a pub.
23. One representation was received from Takeley Parish Council who supports the nomination to register The Green Man Pub as an asset.
24. The nomination was made for The Green Man to be listed as an asset in order to protect its use as a public house. As The Green Man is no longer in this use, and cannot be returned to this use without planning permission and the nomination form states that *'The existing small coffee area within the pub didn't entice those visitors to stop by and the proposed opening times would not benefit the local community. Most of whom work elsewhere.'* It cannot therefore be concluded that on the current evidence that the current use as a café will benefit the social wellbeing or social interest of the community in the next five years.
25. It is recommended that it is not added to The List of Assets.

Conclusion

26. The Council has received valid requests for consideration and the recommendation is that The Elmdon Dial nomination is added to the Assets of Community Value list and The Green Man Takeley nomination is added to the list of unsuccessful assets.

Risk Analysis

27.

Risk	Likelihood	Impact	Mitigating actions
The nominating body is unhappy with the decision reached.	1 – If the property comes onto the market the nominating	2 – While there might be some cost exposure this would be	Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which

	body can always bid.	minimal	comply with the criteria are included.
Compensation may be payable if the owner suffers loss or incurs expense as a result of the listing.	3 – Fluctuations in property value are common and unpredictable.	3 – Although any loss or expense is claimable examples of qualifying loss and expenditure given in the regulations are losses arising from delays in sales during any moratorium and the costs of a successful appeal to the First Tier Tribunal. Such losses or expenses are unlikely to prove significant.	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.