

Committee: Cabinet

Agenda Item

Date: 16 September 2016

11

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'.

Recommendations

2. To agree not to include the following council garage sites on the Assets of Community Value List, but include in the Unsuccessful Nomination List:
 - Birdbush Avenue
 - Hunters Way
 - Radwinter Road
 - Brooke Avenue
 - Loompits Way
 - Rowntree Way
 - Four Acres
 - Newcroft
 - Whiteshot Way
 - Goddard Way
 - Peaslands Road

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. None

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	Saffron Walden Shire, Saffron Walden Audley and Saffron Walden Castle.
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

12. On the 12th August 2016 Uttlesford District Council received 11 valid nominations to register a number of the Council owned garage sites as assets of community value from the Save Our Council Garages group (please see the nomination forms in appendix 1).
13. The Save Our Council Garages group is an unconstituted community group whose members include at least 21 individuals on the electoral roll. Democratic Services checked the group's members against the electoral role and over 21 members are registered to vote in Uttlesford, it is therefore an eligible body to nominate.
14. The 11 nominations related to garage sites in Saffron Walden. The group consider the garage sites provide much needed parking and storage facilities for local residents and state that there are no alternatives readily available. The group express concern over the recent losses of Council garage sites amounting to a loss of over 25% in Saffron Walden.
15. Additional information was submitted from Save Our Council Garages group; their representation stresses the importance of the garage sites to the community and explains how important it is for the sites to be retained in their current use. They make comparisons with currently listed assets of community value in the District stating that the garage sites offer as much in the way of community value as many of the assets currently listed. It concludes by stating "*Council garages have a high community value. They can clearly continue to be used as garages. They therefore meet all the requirements in the Localism Act 2011 to be Assets of Community Value, and should be listed as such as required by law.*" Please see Appendix 2 for their full representation.
16. Social interests are defined as including cultural interests; recreational interests and sporting interest. Social wellbeing is not defined. There is also no specific guidance as to what is meant by social welfare but the plain English guide to the Act cites buildings or amenities which play a vital role in community life and cites as examples community centres, libraries, swimming pools, village shops, markets of pubs. There is no evidence that the garages

play a vital role in community life nor are they similar to any of the categories of use referred to in that passage. Garage use is a personal facility, rather than something that furthers the social well-being of the local community. In conclusion there is no evidence of any social interaction taking place on or at the garages which could be construed as furthering the social wellbeing of the local community.

17. The sites, as explained above, are not currently in a community use and have not been so within the last 5 years. It is also not realistic to think that the any of the garage sites will in the next 5 years further the social wellbeing or social interests of the community. The nominations do not therefore meet the tests of the Act.

18. It is recommended that they are not included on the Assets of Community Value list.

Conclusion

19. The Council has received valid requests for consideration and the recommendation is that all 11 garage site nominations are added to the list of unsuccessful assets.

Risk Analysis

20. *Risks for listing the first premises?*

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.