

Committee:	Cabinet	Date:
Title:	Asset of Community Value Nominations in Felsted	Thursday, 13 June 2019
Portfolio Holder:	Councillor Anthony Gerard Portfolio Holder for Residents and Community Partnerships; Police and Emergency Services	
Report Author:	Sarah Nicholas, Senior Planning Officer snicholas@uttlesford.gov.uk	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. An Asset is of community value if (in the opinion of the local authority) either:
 - an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
 - it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

or

 - there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
3. The Act states that "social interest" "includes (in particular) each of the following – (a) cultural interest, (b) recreation interest and (c) sporting interests.
4. Assets of community value are buildings or land which involve the physical use by the community and include for example a village shop, pub, community centre, allotment or recreation ground.
5. The purpose of this report is to enable members to determine:

- a) Whether there is a valid nomination;
- b) Whether the use of the building (current or recent past) furthers the social wellbeing or interests of the community;
- c) Whether it is realistic to think that in the next 5 years the building could be used to further the social wellbeing or interests of the community.
- d) In considering these questions, members need to consider principal, rather than ancillary, uses of the building.
- e) If members conclude that the answers to these questions are “yes”, the building should be included in the list of assets of community value.

Recommendations

6. Recommended for Listing: On the basis that there is a valid nomination and the current use of, or there is a time in the recent past when,
 - a. The Swan Inn, Station Road, Felsted
 - b. The Chequers Public House Braintree Road, Felsted

furthered the interests of the community, and it is realistic to think that in the next 5 years the building/land could further the interest of the community, officers would recommend that the sites be listed as an Asset of Community Value.

7. The nomination form in full, maps and representations can be viewed on the website under [currently nominated assets](#).

Financial Implications

8. 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.
9. There is also an unquantifiable financial risk to the Council, if there was a claim for compensation. 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. However, the potential liability should not be taken into account in deciding whether or not this is an asset of community value.

Background Papers

10. The following papers were referred to by the author in the preparation of this report and are available for inspection from the author of the report.
11. The submission for consideration as Assets of Community Value and any representations are available on the website at [currently nominated assets](#).

Impact

12.

Communication/Consultation	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 owner of the land, freeholder and occupant. This has taken the form of letters.
Community Safety	No impact.
Equalities	The duty will affect 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	If the land is included on the list of Community Assets it will form a Land Charge.
Ward-specific impacts	Felsted and Stebbing
Workforce/Workplace	No impact

Situation

a) Are these valid nomination?

13. S89 of the Act states that land in a local authority area which is of community value may be included in its list of assets of community value only in response to a “community nomination”, or where permitted by regulation made by the Secretary of State. A community nomination means a nomination by a parish council in respect of land in the parish council’s area or “by a person that is a voluntary or community body with a local connection”.

14. The nominations have been made Felsted Parish Council and the nominated properties are within the parish.

15. A nomination must also include:

- i. A description of the nominated land including its proposed boundaries.
- ii. Any information the nominator has about the freeholders, leaseholders and current occupants of the site.

- iii. The reasons for nominating the asset, explaining why the nominator believes the asset meets the definition in the Act.
- iv. The nominator's eligibility to make the nomination.

16. If it meets these requirements it is a valid nomination under S89(2)(i). The nomination being considered is validly made.

b) Does the use of the building (current or recent past) further the social wellbeing or interests of the community

17. The Swan Inn: The Parish Council in their nomination state that this property has operated as a public house for centuries and today provides an important place for local people to meet and to socialise.

- It is a vibrant place and has recently expanded with rooms for paying guests. It is one of only two pubs in the Village (the third one having already been lost!) The pub has special value to local heritage and culture which should be protected. The pub's heritage forms an important part of the Felsted's historic and cultural identity. This furthers the cultural interest of the community.
- The pub is in the heart of Felsted meaning that it is a social hub easily and safely accessible for a great many local people.
- Local people are able to enjoy a range of drinks and great food in a pleasant, convivial atmosphere, which furthers their individual well-being.
- Dog walkers are welcomed furthering the health and wellbeing of the community.
- There is a garden terrace and patio attached to the pub which is used and enjoyed by local people including families. This is particularly enjoyed in the summer months and brings different groups of people together.
- The pub hosts a regular quiz night which brings people together from a variety of different backgrounds; furthering the recreational interests of the community.
- There is a big screen television screening sporting events enjoyed by patrons. This allows people in the community to come together to enjoy specific sporting events in a safe and sociable environment.
- Free wifi is available for customers which allows people to access the internet that otherwise would not be able to do so. The pub therefore provides a vital facility for people wanting to use the pub for more than just a social event.
- There are no other facilities in the area that provide the array of activities that The Swan does. The Swan enables local people to meet and socialise in a welcoming environment which, individually, they find rewarding and enjoyable. Such social interaction is in the interests of Felsted as a whole as it encourages community cohesion and a collective sense of well-being.

18. The Chequers Public House: The Parish Council in their nomination state that The Chequers is a traditional village local pub.

- It offers traditional pub entertainment by way of a pool table and a dart board.
- A small room is available for functions and there is a rear patio especially enjoyed by the local community in the Summer months.
- It is one of only two pubs in the village (the third one having already been lost!).
- Located in the heart of Felsted it is a great place for locals to meet for a drink, a chat and a game without the pressure to spend significant sums of money. As such it furthers the social well-being of the community by providing social interaction and community cohesion.
- Sporting Events are shown on the Pub's TV and this provides a way for members of the community to come together. This helps prevent loneliness and social isolation and the benefits of this to the local community cannot be under estimated.

c) Is it realistic to think that in the next 5 years the use of the building could further the social wellbeing of interests of the community?

19. The Swan Inn and The Chequers PH: In the event that either property came up for sale, the Parish Council in their nominations state that it is highly likely that villagers and community groups would wish to come together and purchase the property and run it as a community led social enterprise for the continuing benefit of the community. Various ways to do this include social co-operative ownership, applying for various grants and business loans
20. Within the last 5 years there have been no planning applications on the Chequers PH. The Swan Inn has recently been granted retrospective permission for change of use of existing cart shed to garden room.

Representations

21. No representations have been received. Any received after publication of this report will be reported at the meeting.

Conclusion

22. Valid nominations have been made to the Council.
23. Members need to consider whether the evidence provided shows that the properties, current or in the recent past, furthers the social wellbeing or interests of the community.
24. Members need to consider whether it is realistic to think that the properties can continue to be used in a manner that furthers the social wellbeing and interests of the local community.
25. Consideration of these issues will lead the Committee to determine whether the Swan Inn and the Chequers PH should be listed as assets of community value for a period of five years.

Risk Analysis

26.

Risk	Likelihood	Impact	Mitigating actions
<p>The nominating body or the owner is unhappy with the decision reached.</p>	<p>High risk that one of the bodies will be unhappy with the decision.</p>	<p>The owner has rights of internal review and appeal and can claim for compensation.</p> <p>The nominating body does not have rights of review or appeal. A new nomination can be made with additional information.</p> <p>If it felt the Council had acted unlawfully, it could seek to challenge by way of judicial review.</p>	<p>Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which comply with the criteria are included.</p>

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.