

Committee:	Assets of Community Value Committee	Date:
Title:	Nomination of Felsted Memorial Hall, Felsted and ACL / ECL Saffron Walden as Assets of Community Value	Monday 19 th August 2019
Portfolio Holder:	Councillor Anthony Gerard Portfolio Holder for Residents and Community Partnerships; Police and Emergency Services	
Report Author:	Alex Ross, aross@uttlesford.gov.uk	Key decision: N

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 Felsted Memorial Hall, Felsted
 - b. ACL & ECL, 37 & 39 Fairycroft Road, Saffron Walden

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

7. The nomination forms 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;

- a) [Felsted Memorial Hall Asset of Community Value Nomination Form](#)
- b) [Felsted Memorial Hall Map](#)
- c) [ACL Saffron Walden \(37 Fairycroft Road\) / ECL Saffron Walden Wellbeing Hub \(39 Fairycroft Road Saffron Walden\)](#)

11. The submission for consideration as Assets of Community Value and any representations are available on the website under [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	Saffron Walden; Audley Ward, Felsted Ward
Workforce/Workplace	No impact

Situation

- a) **Is this a 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 Saffron Walden Town Council the nominated properties are within the parish of Felsted. And the Saffron Walden Audley Ward.
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 buildings (current or recent past) further the social wellbeing or interests of the community?

Felsted Memorial Hall, Felsted.

17. Felsted Parish Council has nominated Felsted Memorial Hall.
18. The Felsted Memorial Hall is currently owned by the charities commission.
19. The Parish Council state in their nomination form that the Memorial Hall is very active and in constant use. It is used as a Polling Station and is regularly hired out to local groups and for local functions. Some of the groups which currently and regularly use the hall include: The Allotment Society; the Brownies; the WI; several drama groups (both children and adult-the annual pantomime is performed here) and various types of dance groups/lessons. Attendance at these groups furthers both the social wellbeing and social interest of the community.
20. Being such a good size the hall is popular for parties and the wedding receptions of local people. There are smaller rooms which can be hired out by smaller groups. As such it brings together smaller groups of people allowing them to socialise in a comfortable, safe and low cost environment.
21. It is accessible for wheelchair users with disabled access and disabled toilets. As such it is a vital facility for local people with mobility problems giving them a place that they can easily and safely access.

22. Uniquely in Felsted it is a hall with a large car park. As such it is accessible for people who live on the outskirts of Felsted. These residents are particularly vulnerable to feeling cut off and isolated and this venue enables and encourages them to come into the heart of Felsted and thus feel intergrated with residents who live more centrally. The Memorial Hall is therefore highly valuable for promoting social cohesion.
23. The Hall continues to look to serve the community for many years to come and as such there are plans currently being drawn up to extend and substantially reconfigure the hall to greatly improve facilities for modern and future hirers.

ACL (Adult Community Learning) Saffron Walden / ECL (Essex Cares LTD) Saffron Walden Wellbeing Hub

24. The building has two addresses, one each per organisation name, but is a single structure which is under the ownership of Essex County Council. As ACL (Adult Community Learning) it currently provides a location for education. Courses listed are: English, ICT and Digital Skills, Maths, Performance and Creativity for Health, and Story Writing for Pleasure.
<https://www.aclessex.com/how-to-enrol/venues/>
25. As ECL (Essex Cares Ltd) it currently provides a day centre for adults with learning disabilities and work placed training for adults with learning disabilities. It hosts three fully functioning enterprises: Noah's Café, Copy Cats and Saffron Carpentry. <https://www.ecl.org/saffron-walden-wellbeing-hub>
26. The current use furthers the social wellbeing and interests of the local community. A draft copy of this application was unanimously approved by the Saffron Walden Assets and Services Committee for submission to Uttlesford District Council, on 42th June 2019, Minute reference A&S 022-19.
27. The Saffron Walden Neighbourhood Plan research has identified a lack of suitable, available buildings and land for organisations and services providing activities which benefit the community but which are run as charities or are non-profit making.
28. A non-exhaustive list includes:
- Larger rooms which can be used interchangeably for: Space for adult education; Space for performance arts groups to rehearse; and Space for arts groups to create and display art;
 - Smaller rooms which can be used interchangeably for Space for information and advice services – for both adults and youth; and Space for counselling services for youth and adults;
 - Dedicated built space for: Saffron Screen – community cinema;

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

29. Felsted Parish Council comment that it is highly likely that villagers and community groups would wish to come together and purchase the Memorial Hall 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.

30. Saffron Walden Town Council have commented that should the site come up for sale, one or several community groups may team up and come forward to put forward proposals for the purchase and use of this land

31. There is no recent history of planning applications on either property.

32. Representations

33. No Representations have been made regarding the nomination of the Felsted Memorial Hall or the ACL / ECL Saffron Walden as assets of community value.

34. Conclusion

35. Valid nominations have been made to the Council for both Felsted Memorial Hall and the ACL / ECL Saffron Walden.

36. Members need to consider whether the evidence provided shows that the properties, in the current or recent past, furthers the social wellbeing or interests of both communities.

37. 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 their respective local communities.

38. Consideration of these issues will lead the Committee to determine whether the Felsted Memorial Hall and the ACL / ECL Saffron Walden should be listed as an asset of community value for a period of five years.

Risk Analysis

39. Consideration of these issues will lead the Committee to determine whether the Felsted Memorial Hall and the ACL / ECL Saffron Walden should be listed as an asset of community value for Risk Analysis

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.