

Committee: Cabinet

Date:

Title: Nomination of The Hut (St John's Ambulance) charity shop, Thaxted, as an Asset of Community Value

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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 welling 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 **The Hut (St. John's Ambulance Charity Shop)** 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 site be listed as an Asset of Community Value.

Financial Implications

- 7. 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.
- 8. 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

- 9. 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.
- 10. The nomination form in full, maps and any representations are appended and will be able to be viewed by the public on the website under [currently nominated assets](#).

Impact

- 11. Consideration of possible impact:

Communication/Consultation	In line with paragraph 8 of The Assets of Community Value (England) Regulations 2012 the Council have taken all practicable
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	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	Located in Thaxted.
Workforce/Workplace	No impact

Situation

a) Is this a valid nomination?

12. S89 of the Localism 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”.

13. The nomination has been made by Thaxted Parish Council, including:

- An Ordnance Survey Map (Parish Online) outlining the site and boundary has been submitted.
- Address of the owner of The Hut as (Deceased) Dr Michael Weller, & Mrs Susan Weller.
- Name and Address of the current occupier – St. John’s Ambulance Regional Facilities Co-ordinator
- Reasons for nominating – see point 18.

14. The nominated asset is within Thaxted.

15. This application, made on behalf of Thaxted Parish Council

16. 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.

17. 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?

18. Thaxted Parish Council believe that The Hut (St. John's Ambulance) charity shop furthers the interests of the community for the following reasons:

- The Charity shop 'St Johns Ambulance' has been in situ for almost 20 years, the shop provides a valuable charitable income for the group and is the most profitable within the group in the UK. The shop is located by an easily accessible free car park and provides an opportunity for local residents and alike to upcycling their once loved belongings, locally this is known as 'the Thaxted Emporium'.
- The shop also provides a much needed social outlet for those who may otherwise not have this opportunity due to social isolation loneliness and the inability to commute to other larger towns and villages locally with a decline in public transport links.
- The Hut is the only charity shop in Thaxted, there is nothing closer for clothing or 'Brick a Brac' recycling. The next closest facility is in either Saffron Walden or Great Dunmow, which are both over 7 miles away.

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

19. Thaxted Parish Council considers that the local community would be prepared to continue to support the charity shop by donating goods for sale and shopping there. It is prepared to back that confidence by purchasing the building if necessary.

20. It is therefore realistic to suppose that The Hut (St John's Ambulance) charity shop can continue, over the next five years and more, to further the social wellbeing and social interests of the local community.
21. In the event that The Hut came up for sale, Thaxted Parish Council state that they would be in a position to purchase the building.
22. There is no recent history of planning applications on the property

Representations

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

Conclusion

24. This is a valid nomination to the Council.
25. Members need to consider whether the evidence provided shows that the property, current or in the recent past, furthers the social wellbeing or interests of the community.
26. Members need to consider whether it is realistic to think that The Hut (St. John's Ambulance) charity shop can continue to be used in a manner that furthers the social wellbeing and interests of the local community.
27. Consideration of these issues will lead the Cabinet to determine whether The Hut (St. John's Ambulance) charity shop should be listed as assets of community value for a period of five years.

Risk Analysis

28.

Risk	Likelihood	Impact	Mitigating actions
The nominating body or the owner is unhappy with the decision reached.	High risk that one of the bodies will be unhappy with the decision.	The owner has rights of internal review and appeal and can claim for compensation. The nominating body does not have rights of review or appeal. A new nomination can be made with additional information.	Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which comply with the criteria are included.

		If it felt the Council had acted unlawfully, it could seek to challenge by way of judicial review.	
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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.

Appendix 1: Nomination Form

Section 1 ABOUT YOUR COMMUNITY ORGANISATION

Q1 Name and address of your organisation	
Organisation name:	Thaxted Parish Council
Address and postcode:	Thaxted Parish Council Office Community Information Centre and Library 7 Town Street Thaxted CM6 2LD
Registration number (if you are a charity, company, CIC or social enterprise)	

Q2 Please specify what type of organisation you are	
Category	Tick ✓
Parish/Town Council	<input checked="" type="checkbox"/>
Unconstituted / unincorporated Community Group whose members include at least 21 individuals who appear on the electoral roll	<input type="checkbox"/>
Neighbourhood Forum designated as pursuant to section 61F of the Town & Country Planning Act 1990	<input type="checkbox"/>
Industrial & Provident Society which does not distribute any surplus it makes to its members	<input type="checkbox"/>
Company Limited by Guarantee which does not distribute any surplus it makes to its members	<input type="checkbox"/>
Community Interest Company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004	<input type="checkbox"/>
Charity	<input type="checkbox"/>

Q3 Who should we contact to discuss this nomination?	
Name:	Dena Ludford
Address and postcode:	Thaxted Parish Council Office Community Information Centre and Library 7 Town Street Thaxted CM6 2LD
Telephone number	[REDACTED]

Q3 Who should we contact to discuss this nomination?	
Email address	[REDACTED]

Section 2 ABOUT THE PROPERTY TO BE NOMINATED

Q4 Which asset do you wish to nominate?	
Name of property:	The Hut
Address and postcode:	The Hut Park Street Thaxted CM6 2ND
Name of property owner	[REDACTED]
Address and postcode:	[REDACTED]
Telephone number	Unknown
Email address (if known)	Unknown
Current occupier's name (if different from property owner)	St Johns Ambulance Doug Thrower, Regional Facilities Co-Ordinator (East Anglia) St John Ambulance, Argyle Way, Stevenage, SG1 2AD [REDACTED]
Details of occupier's interest in property	Leasehold

Section 3 DEMONSTRATING THE COMMUNITY VALUE OF THE ASSET

Q5a Why do you feel the property is an asset of community value?

Please give as much information as possible about the current use of the asset i.e. what activities take place, what groups use the facility currently or in the recent past etc. Continue on a separate sheet if necessary. Definition of an asset of community value can be found in the guidance notes.

The Charity shop 'St Johns Ambulance' has been in situ for almost 20 years, the shop provides a valuable charitable income for the group and is the most profitable within the group in the UK. The shop is located by an easily accessible free car park and provides an opportunity for local residents and alike to upcycling their once loved belongings, locally this is known as 'the Thaxted Emporium'.

The shop also provides a much needed social outlet for those who may otherwise not have this opportunity due to social isolation loneliness and the inability to commute to other larger towns and villages locally with a decline in public transport links.

This is the ONLY charity shop in the village, there is nothing closer for clothing or 'Brick a Brac' recycling the next closest facility is in either Saffron Walden or Great Dunmow which are both over 7miles away.

Q5b How could the building or land be acquired and used in future?

If it is listed as an asset of community value, community interest groups (not limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community. Continue on a separate sheet if necessary.

The Desire to keep this as a much valued charity shop is strong, should this ever change, the Parish Council would be in a position to purchase this building to ensure this much valued assess remains in the Village.

Appendix 2: Site boundary plan

Q6 What do you consider to be the boundary of the property?

Please give as much detail as you can, including an Ordnance Survey plan outlining the site.



The shop is shown to the left busy with parishioners making good use of their local facilities, and below the image is shown marked as No 14.



<https://en-gb.facebook.com/St-John-Ambulance-Charity-Shop-Thaxted-989386941116717/>



This OS map shows an outline of the site which follows the Cadastral Land Parcels layer from Land Registry Data.