



**Committee:** Cabinet

**Agenda Item**

**Date:** 31 July 2014

[?]

**Title:** Assets of Community Value

**Portfolio Holder:** Cllr Barker and Rolfe

Key decision: **No**

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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. Officers have requested submission from Parish and Town Councils and this report reports the most recent response.

## Recommendations

3. To agree to include the following on the Assets of Community Value list:
  - Felsted Allotments, Station Road
  - Felsted village Playing Field, Braintree Road
  - Ravens Crescent Play Area, Watch House Green
  - Willows Green Play Area, Evelyn Road
  - Banister Green

## Financial Implications

4. 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.
5. 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

6. Submissions for consideration as Assets of Community Value

## Impact

- 7.

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.  If, contrary to the recommendation, the land is included on the list of Community Assets it will form a Land Charge.
Sustainability	No impact.
Ward-specific impacts	Felsted
Workforce/Workplace	Work will be coordinated within the Planning and Housing Policy, Land Charges and Legal Teams.

## Situation

8. 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'.
9. 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."*
10. 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.

11. 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.
12. The Act defines social interest as: cultural interest, recreation interest and sporting interests which is a fairly wide definition.

## **Assessment**

### Allotments, Felsted

13. Felsted Parish Council have submitted a request to the Council to consider the listing of the Allotments on Station Road Felsted. It is currently occupied by 67 tenants who are residents of Felsted and surrounding parishes. The Allotments meet all the four tests set out in paragraph 10 above. It is therefore recommended that it is added to the 'Assets of Community Value list'.

### Felsted Village Playing Fields

14. Felsted Parish Council have submitted a request to the Council to consider the listing of the Village Playing Fields. This recreational space is the principle public paly area in the village and is used on a regular basis by clubs and residents. The Playing Field meets all the four tests set out in paragraph 10 above. It is therefore recommended that it is added to the 'Assets of Community Value list'.

### Willows Green Play Area, Felsted

15. Felsted Parish Council have submitted a request to the Council to consider the listing of Willows Green Play Area. This is an equipped area of play in the hamlet of Willows Green. It meets all the four tests set out in paragraph 10 above. It is therefore recommended that it is added to the 'Assets of Community Value list'.

### Banister Green, Felsted

16. Felsted Parish Council have submitted a request to the Council to consider the listing of Banister Green. This is a large area of open space, including a play area situated in the heart of Banister Green. It meets all the four tests set out in paragraph 10 above. It is therefore recommended that it is added to the 'Assets of Community Value list.'

### Ravens Crescent, Felsted

17. This is an area of green space off Ravens Crescent. The land is owned by Uttlesford District Council and is leased to the Parish Council. It is currently used by the community for recreational purposes. It meets all the four tests set out in paragraph 10 above. It is therefore recommended that it is added to the 'Assets of Community Value list'.

18. 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 relevant Parish Council, owner of the land, freeholder and occupant. This has taken the form of letters and site notices.

## Conclusion

1. The Council has received a valid request for consideration and the recommendation is set out in paragraph 3.

## Risk Analysis

2.

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.