

Committee:	Assets of Community Value Committee	Date:
Title:	Nominations for Assets of Community Value - Ashdon	Wednesday, 31 October 2018
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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 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 Rose and Crown public house Ashdon
 - b. The Allotments Ashdon

furthered the interests of the community, and it is realistic to think that in the next 5 years the building 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 are attached to this report and can be viewed on the website at www.uttlesford.gov.uk/assets 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 accompany this report and are available on the website at www.uttlesford.gov.uk/assets 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	Ashdon
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 Ashdon Parish Council and the nominated properties are within the parish of Ashdon.
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?

The Allotment Gardens, Ashdon

17. The Parish Council have nominated the land between the village green and Thristalls. A portion of this site adjacent to Thristalls has been laid to grass and fenced off.

18. The Parish Council state in their nomination form that the allotments are well employed and have been more so for many years. They are the only allotments in the village. At any point in time, there is always someone working on their allotment.

19. The allotments are located in the centre of the village and they provide a communal meeting place, a place of recreation of leisure and of community well-being.

20. The allotments provide social and physical assets where people come together for friendship and community, social interaction and exercise. They provide space for people with small or no garden the opportunity to have access to outside space and grow produce. The site is rich in wildlife. It is next to the stream and is an area where flood water can go reducing the impact on properties downstream. It offers a financial benefit to allotment holders able to grow their own food. The allotment holders take part in the Ashdon Open Gardens Day.

The Rose and Crown Public House Ashdon

21. The Parish Council state in their nomination form that the Rose and Crown is the last public house in the village.

22. The pub is used by people of all ages from within the village and attracts people from outside the village too, including walkers and cyclists. It provides an irreplaceable function that it is impossible to replicate. Such is the nature of the pub that people feel comfortable coming in on their own, thus providing a vital social function for those who are lonely or isolated. There are many clubs that hold their meetings in the pub together with annual social gatherings eg Ashdon Cricket Club, Ashdon WI etc. The pub attracts people to the village who then use other facilities in the village.

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.

23. In the event that either of the properties came up for the sale the Parish Council state that the village would explore the availability of grants, community funding, loans etc.

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

Representations

25. A representation has been received from the owner of the allotments. The allotments are in private ownership but managed by two residents of Ashdon. The owners received a complaint from the Parish Council that the allotments

were being mismanaged and were in a poor state of repair. It was noted that the Best Kept village judges had also complained to the Parish Council that the allotments were untidy and under used.

26. The allotments far from being an asset were underutilised with large areas untended and growing wild. With the lack of interest in setting up a formal Allotment Association it was agreed with the parish Council to consolidate the allotments to one end to keep the remaining area in reasonable condition and to clear and fence the underutilised area and set it to grass. The fencing was erected to prevent unauthorised access. The allotments would continue to be advertised in Ashdon and further afield.
27. The remaining allotments continue to be very underutilised due to lack of interest and certainly not due to the cost of an allotment unit, which questions whether it is an Asset of Community Value. Planning permission has not been sought for development on the fenced area. The fenced area may be extended or reduced depending on the demand for allotments moving forward to ensure the space looks attractive.

Conclusion

28. Valid nominations have been made to the Council.
29. 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.
30. Members need to consider whether it is realistic to think that the property can continue to be used in a manner that furthers the social wellbeing and interests of the local community.
31. Consideration of these issues will lead the Committee to determine whether the allotments and /or Rose and Crown Public House should be listed as assets of community value for a period of five years.

Risk Analysis

32.

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	Carefully scrutinise submissions for inclusion on the Asset List so as to ensure only those which comply with the criteria are included.

		can be made with additional information. 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.