

“The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way, Ilminster – Assessment of nomination under Community Right to Bid (Item for information)

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Purpose of the Report

This report is to inform councillors of the decision to place “The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way onto the SSDC Register of Assets of Community Value, following a nomination made by Ilminster Town Council.

Public Interest

On 7th July 2014 SSDC received a nomination from Ilminster Council to include “The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way in the SSDC Register of Assets of Community Value and it is SSDC’s responsibility to consider whether this should be included on the Register. SSDC has eight weeks to consider a nomination.

Recommendation

That Members note the report.

Background

In August 2013 District Executive agreed a process for considering nominations received from communities to place assets of community value onto the SSDC Register of Assets of Community Value, based on criteria which are set out in the Localism Act.

The decision is delegated to the relevant Area Development Manager in consultation with the Ward Member and Area Chair. The result of a nomination is reported to the Area Committee for information only, with a quarterly report being presented to District Executive for information. (NB: decisions about any SSDC-owned properties are still presented to District Executive for decision)

The assessment

The nomination was approved on 16th July 2014 by the Area Development Manager (West). The assessment is set out in Appendix 1. A map showing the nominated site is provided at Appendix 2.

Next Steps

The Town Council, the property owner and the Land Registry will be notified and the asset will be placed on the SSDC Register of Assets of Community Value.

The owner can appeal against the decision; any appeals are considered by the Council's Monitoring Officer.

Once an asset has been listed, nothing further will happen until the owner decides to dispose of the asset (either through a freehold sale or the grant of a lease for at least 25 years). At this point the owner must notify SSDC of the intention to sell. A relevant community group is then given 6 weeks to express an interest in the asset and submit a written intention to bid for the property(s).

If any written intentions are received, the Council must pass on the request to the owner, at which point the full moratorium period of 6 months (from the date that SSDC is notified of the intention to sell) comes into force. If no written intention(s) to bid are received, the owner is free to sell the asset.

All accepted nominations will normally remain on the Register for 5 years.

Financial Implications

None at this stage. Government has provided SSDC with an (un-ringfenced) sum of £7,902 for 2013/14 as a contribution towards the costs associated with the new duties under the Community Right to Bid. Sums in future years are still to be confirmed.

Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. SSDC is in the process of designing this compensation scheme. Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government.

Council Plan Implications

Evaluate the overall requirements of the Government's Localism legislation and work with communities to develop plans for their community

Carbon Emissions and Climate Change Implications

None in relation to this decision.

Equality and Diversity Implications

The Council's Equality Objectives and the General Equality Duty have been considered in the assessment of this nomination. There are no implications requiring action arising from this decision.

Background Papers

Community Right to Bid nomination process agreed at District Executive – August 2013

Appendix 1 – Community Right to Bid Assessment – “The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way

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|------------------------------|---|---|--|----------------------------|
| Name of Property/Land | “The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way, TA19 9FE | | Date of decision | 16 th July 2014 |
| | | | Area Development Manager | Andrew Gillespie |
| | Detail | Community Right to Bid Criteria | Fits Criteria Y/N | |
| Nominating Body | Ilminster Town Council | Does the nominating body fit the definition of a ‘Community Interest Group?’ | Yes. A town council is an expressly named eligible group. | |
| Area of interest | Ilminster and surrounding area | Does the nominating body have a ‘local connection’? i.e.: Are its activities wholly or partly concerned with the South Somerset area or with a neighbouring authority (which shares a boundary) and is any surplus it makes wholly or partly applied for the benefit of the South Somerset area or a neighbouring authority’s area? | Yes. Ilminster parish is within South Somerset. | |
| Use in recent past | “The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way | Does the current use of the property or its use in the ‘recent past’ (i.e. the past 5 years) further the social wellbeing and interests of the local community? | Yes. Its use in the recent past is to provide access to footpaths CH1 1/3 and CH11/4, as well as the recreation land known as Wharf Lane Recreation Ground and Britten’s Field which in turn gives access to Herne Hill, an area of beauty given to the town for the benefit of its residents. It is commonly used as a parking area for dog walkers. It fulfils the criteria of social value. The Town Council has the benefit of rights to pass over part of the land by virtue of a deed of grant; these rights were purchased in 1989 to provide a vehicular access to the recreation area for the purposes of ground maintenance. | |
| Proposed Future Use | The current usage would continue i.e. access to | Does the proposed continued use (or in the next 5 years) further the social wellbeing and interests of the local community? | Yes. It is envisaged that the current usage would continue i.e. access to recreation area | |

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| | recreation area | | |
| Conclusion | Ilminster Town Council is an eligible body to make this nomination, and the property history and proposed future use appear to fit the criteria established by the Localism Act and its associated guidance. Further advice was sought from Locality (the Government's appointed advisory body) which confirmed this assessment. The ward member and Area Chairman have been consulted and support this assessment. | | |
| Decision | "The Hammerhead", a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way is to be added to the SSDC Register of Assets of Community Value. | | |

Appendix 2 – “The Hammerhead”, a triangular area of land adjacent to the Medical Centre, Recreational Area and Canal Way

