



Community Committee

Agenda

Part One

Council Chamber - Town Hall

Thursday, 20 November 2014 at 7.00 pm

Membership (Quorum – 3)

Councillors

Cllrs Chilvers (Chair), Mrs Squirrell (Vice-Chair), Barrett, Carter, Mrs Coe, Mrs Hones, Mrs Hubbard, McCheyne, Parker and Ms Sanders

Committee Co-ordinator: Jean Sharp (01277 312655)

Additional Information:

Substitutes

The names of substitutes shall be announced at the start of the meeting by the Chair and the substitution shall cease at the end of the meeting.

Substitutes for quasi judicial Committees must be drawn from members who have received training in quasi-judicial decision making. If a casual vacancy occurs on a quasi judicial Committee it will not be filled until the nominated member has been trained.

Rights to attend and speak

Any Member may attend any body to which these Procedure Rules apply.

A Member who is not a member of the committee may speak at the meeting if they have given prior notification by no later than one working day before the meeting to the Chair and advised them of the substance of their proposed contribution.

The member may speak at the Chair's discretion, it being the expectation that a member will be allowed to speak on a ward matter.

Point of Order/Personal explanation/Point of Information

8.3.14 Point of order

A member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The Member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chair on the point of order will be final.

8.3.15 Personal explanation

A member may make a personal explanation at any time. A personal explanation must relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate, or outside of the meeting. The ruling of the Chair on the admissibility of a personal explanation will be final.

8.3.16 Point of Information or clarification

A point of information or clarification must relate to the matter being debated. If a Member wishes to raise a point of information, he/she must first seek the permission of the Chair. The Member must specify the nature of the information he/she wishes to provide and its importance to the current debate. If the Chair gives his/her permission, the Member will give the additional information succinctly. Points of Information or clarification should be used in exceptional circumstances and should not be used to interrupt other speakers or to make a further speech when he/she has already spoken during the debate. The ruling of the Chair on the admissibility of a point of information or clarification will be final.

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The Chair of the meeting may terminate or suspend filming, photography, recording and use of social media if any of these activities, in their opinion, are disrupting proceedings at the meeting.

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Part I

(During consideration of these items the meeting is likely to be open to the press and public)

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5	Urgent Business An item of business may only be considered where the Chair is of the opinion that, by reason of special circumstances, which shall be specified in the Minutes, the item should be considered as a matter of urgency.		
6	Local Government Act 1972 - Exclusion of Press and Public		



Acting Chief Executive

Town Hall
Brentwood, Essex
12.11.2014

Minutes

Community Committee Tuesday, 21 October, 2014

Attendance

Cllr Chilvers (Chair)	Cllr Mrs Hones
Cllr Mrs Squirrell (Vice-Chair)	Cllr Mrs Hubbard
Cllr Barrett	Cllr McCheyne
Cllr Carter	Cllr Parker
Cllr Mrs Coe	Cllr Ms Sanders

Also Present

Cllr Aspinell
Cllr Clark
Cllr Keeble
Cllr Lloyd
Cllr Mynott
Cllr Quirk
Cllr Reed

Officers Present

Kim Anderson	Partnership, Leisure and Funding Manager
Ashley Culverwell	Head of Borough Health Safety and Localism
Jo-Anne Ireland	Acting Chief Executive
Chris Potter	Monitoring Officer & Head of Support Service

192. Apologies for Absence

There was none.

193. Minutes from previous meeting

The Committee **RESOLVED** to approve as a true record the minutes of the Community Committee meeting held on 21 July 2014,

194. Chairs' Verbal Update

The Chair updated Members regarding:

King George's Play Strategy: A meeting was to take place on 23.10.14 to discuss the play strategy and improving play facilities across the Borough for the future.

Health and Wellbeing Board – Cllrs Mrs Davies and Ms Sanders were the Council representatives and would give six monthly updates to the Committee.

Local Support Services Framework (LSSF): A partnership agreement had been signed by the BBC Acting Chief Executive, Job Centre Plus, Citizens Advice Bureau, Brentwood MIND and Synergy Therapy and Addiction to deliver a framework of support to residents suffering from problems with debt and discussions were taking place with the Family Mosaic with a view to their inclusion. There was to be a soft launch of the framework in November and negotiations were taking place regarding accommodation for framework partners at the refurbished Town Hall.

195. Parish Council discretionary grants

Members were reminded that, as part of the Funding Strategy agreed at Strategy and Policy Board on 21 November 2013, all discretionary grants and support to voluntary and community sector organisations were reviewed. A set of future funding principles was agreed at Strategy and Policy Board in relation to the Parish Councils.

Various one to one meetings had been undertaken with each of the Parish Councils to review the level of funding and looking at ways in which Brentwood Borough Council and the Parish Council could work more effectively together. This included a much clearer idea on roles and responsibilities for Essex County Council, Brentwood Borough Council and the Parish Councils. Although it was proposed to reduce the Discretionary Grant funding over the next three years, the Borough Council was also looking at strengthening the support that it provided to the Parish Councils with the development of a Service Level Agreement and other in kind support to mitigate against this reduction, and minimize the impact on local residents.

Cllr Aspinell advised that the Chairman of West Horndon Parish Council had suggested an alternative scheme to that proposed by the Borough Council and Cllr Mrs Squirrelrell MOVED and Cllr Carter SECONDED and it was RESOLVED UNANIMOUSLY that consideration of this item be deferred in order that the revised proposal could be investigated.

196. Borough Bulletin

Members were reminded that at the Community Committee on 21 July 2014 it was resolved that a borough wide news bulletin was piloted and that the first edition included the consultation on the William Hunter Way development.

It was also resolved that the pilot bulletin would cost less than £5K and feedback from residents would be sought to enable this Committee to make a decision on continuing with regular editions.

Members were advised that the final costs of the pilot edition of the 'Borough Bulletin' were £2,808.75. These were made up of: Printing costs £1,333.75 and distribution costs £1,475.00. The distribution costs were lower than any future editions would normally be as the costs were shared 50/50 with the William Hunter Way consultation.

The pilot edition of the Borough Bulletin was distributed w/c 15 September and contained the William Hunter Way Consultation; information on Individual Electoral Registration; William Hunter Way; Local Development Plan; upcoming Council events and a calendar of Council Committee Meetings.

The Distribution Company used a listing licensed from the Royal Mail for delivery. The Royal Mail list had 30,156 letterboxes in the Borough registered for distribution purposes. The Distribution Company was given 30,200 copies of the bulletin to distribute in the Borough.

Copies of the Borough Bulletin were available in reception at the Town Hall and at the Brentwood Centre and it was also made available on the Council's website with contact details of where to obtain a paper copy. The website link was shared on the Council's Twitter and Facebook accounts.

The Council had received nine emails and nine telephone calls from residents who said they had not received a copy and addresses were taken and copies were posted to them.

Members were advised that future projected costs per quarterly edition were: design and layout between £160-£200; printing and delivery to Royal Mail: £1,500; distribution by Royal Mail £1,878.

Concern was expressed regarding residents reporting that they had not received the Bulletin, also at the quality of the pilot. Members were assured that delivery rates would be improved for the next Bulletin and it would also be made available via social media. Regarding the quality of the pilot, Members noted that it had been produced very quickly and that improvements would be made in future editions.

Cllr Chilvers MOVED and Cllr Mrs Squirrelr SECONDED the recommendations in the report and it was RESOLVED that:

1. Members agree in principle to two further editions of the Borough Bulletin for 2014/15, subject to agreement from the Finance & Resources Committee to allocate a maximum revenue budget of £10,000.

2. Members agree in principle to continue with quarterly editions of the Borough Bulletin for 2015/16 and beyond, subject to final approval through the annual budget setting process.

197. Additional Festive Lights and Activities

Members were reminded that Brentwood Borough Council currently provided festive lights to Brentwood Town Centre and Shenfield.

In 2012 a number of lamp columns failed the stress tests that were undertaken as part of the licence to erect festive lights (banners, hanging baskets etc.) Essex County Council considered that the festive lights could potentially increase the stress to the lamp column which was designed purely to provide street lighting. As a result some of the motifs that had been attached to the lamp columns had to be replaced with rope lights that would not significantly impact onto the stress of the column.

For 2014/15, Officers were asked to explore ways in which the festive lights and activities in and around the Town Centre and in Shenfield in particular could be enhanced.

Costs of the proposed improvements were before Members and a more detailed breakdown was circulated at the meeting.

Cllr Chilvers MOVED and Cllr Mrs Squirrelreil SECONDED the recommendation within the report and it was RESOLVED that Members agree to support in principle the additional festive lights and the Lighting Up Shenfield event, subject to budget agreement at Finance and Resources Committee on 29 October 2014.

198. Community Events Programme 2015/16

Members had indicated that they would like to see additional community events for 2015/16, with a particular emphasis on the local heritage and cultural background of Brentwood.

It was therefore proposed to run a series of events under one branded umbrella which would include a number of events engaging local schools, arts and heritage organisations to look at bringing local history and heritage alive

through intergenerational projects to engage the whole community and a proposed Community Events programme for 2015/16 was before Members.

Cllr Chilvers MOVED and Cllr Parker SECONDED an amendment to the recommendation and it was RESOLVED UNANIMOUSLY that:

1. Members agree in principle to review the resources required to deliver the Community Events programme for 2015/16 as listed in Appendix A to the agenda (subject to final approval through the budget setting process).

199. Community Fund Allocation

Members were reminded that the Brentwood Community Fund was set up to give Brentwood's communities the opportunity to provide local initiatives to improve the quality of life for local people living in the borough. The fund had £50,300 available in total in the current financial year, and grants of up to £3,500 were available for applicants, the application period having lasted from 1 April until 1 September 2014. A total of 24 applications were received requesting a total of £60,778.65 of funding.

Appendices to the report informed Members of the application process, the scoring system and officer's recommendations as to how the funding should be awarded. If Members approved officer's recommendations, there would remain a balance of £8055.35 which it was proposed should be divided equally between all Members' Ward Budgets.

Cllr Chilvers MOVED and Cllr Parker SECONDED an amendment to the recommendation and it was RESOLVED UNANIMOUSLY that:

- 1. Members agree to fund from the Community Fund those projects highlighted in green as outlined in Appendix B to the Agenda.**
- 2. Any unspent budget from the Community Fund is allocated to the ward budget allocation for 2014/15 and be equally split between all Councillors.**
- 3. Feedback to be given to all applicants.**

(Cllr Barrett declared a non-pecuniary interest since a family member was involved with the Scout movement; Cllr Carter declared a non-pecuniary interest since he was involved with Brentwood Fairtrade; Cllr Reed declared a non-pecuniary interest due to being a Trustee of Brentwood Leisure Trust and left the Chamber, taking no part in the discussion on this item).

200. Community Resilience Fund

Members were aware that Local Government was increasingly looking to the Voluntary and Community Sector (VCS) as a strategic partner to help support stronger, more cohesive communities, which would lead to improved health and well-being, and contribute to a decrease on the demand on public services.

Prevention and early intervention were recognized as instrumental steps in addressing health, social or public safety issues before they became so significant that they required input from public agencies. At the same time, all public agencies were looking at innovative ways in which to work in a climate of reducing resources and a challenging financial environment that would continue for some time. In times of decreasing resources, a focus on acute need and statutory duty was naturally emphasised, thus resulting in a call for more collaboration with the voluntary and community sector on prevention and early intervention programmes.

The Community Resilience Fund (CRF) had been set up as an endowment fund to provide a sustainable income stream to the Voluntary and Community sector (VCS) in Essex. The Fund would support the VCS to develop the abilities of communities, families and individuals to help themselves and each other. The Essex Community Foundation would be managing the Community Resilience Fund (CRF) and was asking all city, borough and unitary authorities to each commit to £20,000 annually for the next five years in order to build a substantial endowment fund over this time.

Members expressed concerns regarding the way in which the fund would benefit Brentwood residents and requested further clarification before they made their decision.

Cllr Parker MOVED and Cllr Mrs Coe SECONDED an amendment to the recommendations as follows:

That Members agree to support in principle ~~to~~ the financial commitment of £20,000 per annum over the next five years (2015/16-2019/20) subject to final approval through the budget setting process and :

- (a) Provision of full details of how the Fund would benefit Brentwood
- (b) Provision of full details of the administration of the Fund.

Following a full discussion Cllr Chilvers MOVED and Cllr Mrs Squirrel SECONDED that consideration of the item be deferred pending provision of further clarification of the initiative. Cllr Parker and Cllr Mrs Coe were in agreement and it was RESOLVED UNANIMOUSLY that the item be deferred for consideration at a future meeting.

20 November 2014

Community Committee

William Hunter Way – Asset of Community Value

Report of: *Ashley Culverwell, Head of Borough Health, Safety and Localism*

Wards Affected: *All Brentwood Borough Wards*

This report is: *Public report*

1. Executive Summary

- 1.1.** The Localism Act 2011 requires local authorities to keep a list of assets (meaning buildings or other land) which are of community value. Once an asset is placed on the list it will usually remain there for five years. The effect of listing is that generally speaking an owner intending to dispose of the asset must give notice to the local authority. A community interest group then has six weeks in which to ask to be treated as a potential bidder. If it does so, the disposal cannot take place for six months. The theory is that this period known as the “moratorium” will allow the community group to come up with an alternative proposal- although, at the end of the moratorium, it is entirely up to the owner whether a disposal goes through, to whom and for how much. There are arrangements for the local authority to pay compensation to an owner who loses money in consequence of the asset being listed.
- 1.2.** A nomination has been received from Brentwood Access Group in relation to the existing blue badge holder’s car parking area within William Hunter Way Car Park (Appendix A).
- 1.3.** The report is for Members to consider whether to list or not to list the blue badge holder’s car parking area within William Hunter Way Car Park as an Asset of Community Value.

2. Recommendations

That members agree to:

- 2.1. Option 1: List the existing blue badge holder's car park located in William Hunter Way as indicated on Appendix B of the report as an Asset of Community Value; or**
- 2.2. Option 2: Not to list the existing blue badge holder's car park located in William Hunter Way as indicated on Appendix B of the report as an Asset of Community Value**

3. Introduction and Background

- 3.1.** A report was presented to Policy, Performance and Resources Board on 7 December 2011 (min ref. 386) so that members were aware of the implications for the Council of the Localism Act 2011 which was given Royal Assent in on 15 November 2011. Part of the Localism Act 2011 includes the ability for communities to be able to ask for community assets to be put on a register of 'Assets of Community Value'. These assets can include local pubs, shops, village halls, libraries and community centres.
- 3.2.** A subsequent report was presented to Strategy and Policy Board on 20 November 2013 (min ref. 264) recommending that delegated authority to determine whether nominations should be included within the list of assets of community value, be given to the Head of Borough Health, Safety and Localism in consultation with the Chair of Strategy and Policy Board and relevant ward Councillors; and that the officer grade for carrying out and determining reviews be at Head of Service level or above.
- 3.3.** The consultation part of the delegation was changed at Ordinary Council on 22 October 2014 (min. ref. 213) that the Communities Committee be granted delegated authority to determine applications/nominations for designation of Assets of Community Value. Should the timing of Committee meetings not permit that, the Head of Borough, Health Safety and Localism be granted delegated authority to determine applications/nominations for designation of assets of community value provided that such delegated authority is only exercisable after consultation with the Leader of the Council and any ward Members, which is why this determination is before Members tonight.

- 3.4.** The Localism Act provides an opportunity for communities to raise finance to competitively bid when a community asset comes on the open market. This is achieved through a legal framework governed by the Local Authority. The Act allows communities to nominate assets of community value (ACV's). The council is given eight weeks to determine whether it meets the criteria for listing from the date of submission, and then places its decision on the list. When the owner of a listed asset wishes to dispose of it, the Act introduces a delay or 'moratorium' before he or she can do so, to give any interested and eligible community groups the time to prepare a bid. However at the end of the 'moratorium' period the owner can sell to whomever they choose at a price agreed by the buyer.
- 3.5.** The Council has received a valid nomination on 6 October 2014 from Brentwood Access Group in relation to the blue badge holders' car parking provision within the William Hunter Way Car Park. The Regulations made under the Localism Act 2011 requires the Council to determine within 8 weeks whether to list the nominated asset. Therefore the deadline for a decision is 1 December 2014.
- 3.6.** In broad outline the new provision under the Localism Act 2011 for listing an Asset of Community Value and subsequent disposal are set out in Appendix C.

4. Issue, Options and Analysis of Options

- 4.1.** The essential statutory test for an ACV is set out in Section 88 of the Localism Act 2011. It is for the local authority to judge whether the criteria are met (subject to any challenge by way of judicial review). The criteria are set out as follows:
- 4.2.** **Is the nominating organisation an eligible body to nominate?** *The Council has received names and addresses of members of Brentwood Access Group and officers have checked the electoral role and confirmed that they are an eligible body to nominate (as an unincorporated body with at least 21 local members).*
- 4.3.** **Does the nominating body have a local connection to the asset?** *Yes the group has offered advice and guidance about access to public areas and mobility related facilities in the Brentwood area for all disabled people and worked closely with the Council for more than 30 years to improve the built environment within the Borough for people with disabilities in Brentwood.*

- 4.4. Does the nomination include the required information about the asset?** (This includes the proposed boundaries, names of the current occupants of the land and names and current or last known address of those holding freehold or leasehold estate in the land). *All of the necessary information was supplied to the Council (See Appendix B for the site plan).*
- 4.5. Is the nominated asset outside one of the categories that cannot be assets of community value (A residence together with land associated with that residence; land in respect of which site licence is required under Part 1 of the Caravan Sites and Control of development Act 1960; and operational land as defined in section 263 of the Town and Country Planning Act 1990). Car parks are not one of the exempt categories that **cannot** be listed as an ACV, so this nomination cannot be ruled out on that principle.**
- 4.6. Is the current (or recent – within past 3 years) usage which is subject of the nomination an actual and non-ancillary usage?** *The current actual usage is that it provides blue badge holder parking within William Hunter Way Car Park.*
- 4.7. The Council also needs to consider if in their opinion (a) an actual current use furthers the social wellbeing or social interests of the local community, and (b) 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. They may take into account the following:**
- 4.7.1. What is the ‘local community’ of the asset as defined by geographical area?** Officers consider that would include the Borough of Brentwood and surrounding areas.
- 4.7.2. What is the current /recent use of the asset?** The nominated asset is currently providing blue badge holder provision (28 bays) for car parking within William Hunter Way Car Park which is within a greater parcel of land which is the subject of proposals for a substantial redevelopment scheme.
- 4.7.3. How well is the asset used?** The Parking Manager has confirmed that the current usage is between 90-95% on each day.

- 4.7.4. What will be the impact if the usage ceases?** Brentwood Access Group has suggested that this parking provision provides a uniquely safe parking facility segregated from the dangers of highway traffic, yet is adjacent to the Town Centre. It notes the particular vulnerability of disabled people being hit by passing traffic and also notes the advantages of street level access parking to the disabled population compared to multi storey car parking.
- 4.7.5. How does it meet the social interests of the community as a whole and not users/customers of a specific service?** For information in the Act 'social interests' includes each of the following – cultural interests, recreational interests and sporting interests. Brentwood Access Group within their nomination indicates that it encourages disabled persons to visit and spend money in Brentwood, benefitting the local economy.
- 4.7.6. How is the asset regarded by the Community (community consultation, evidence of support)?** As mentioned earlier in the report (4.7.3) the blue badge holder provision within the William Hunter Way Car Park is well utilised.
- 4.8.** Members also need to consider whether it is realistic to think that there can continue to be non-ancillary use of the asset which will further the social well being or social interests of the local community.
- 4.9.** There are also a number of other dedicated spaces designated for blue badge holders within the Town Centre which offer blue badge holders' parking, New Road (2 bays), High Street (15-20 bays), Multi Storey Car Park (44 bays out of 555 spaces), Chatham Way (3 bays out of 122 spaces) and on a Saturday the Town Hall (3 bays out of 163 spaces). Currently all these bays are fully used. The British Parking Association recommends that good practice is to offer 6% of your parking space for blue badge holders across the Council's provision. In total there are 840 spaces and 11% of these are designated for blue badge holders' parking.
- 4.10.** In addition to the dedicated blue badge parking arrangements, on street parking legislation allows the following for Blue badge holders. Blue Badge holders may park on single or double yellow lines (no waiting at any time restriction) provided they correctly display a valid blue badge and time clock.

- 4.11.** There are examples of car parks being considered to be ACV's by relevant local authorities. In one particular case it was the present use of the land which was paramount in considering whether the land 'furthers the social wellbeing or social interests of the local community'. Thus the prospect of alternative provision did not prevent the proper registration of the overflow car park as an ACV. On the other hand, other authorities have taken a stricter approach and refused to list a car park.
- 4.12.** There is guidance in the National Planning Policy Framework (NPPF) which deals with the social role of planning and indicates the breadth of the social dimension. The social role of planning is identified as "supporting strong, vibrant and healthy by...[providing] accessible local services that reflect the community's needs and support its health, social and cultural well-being". At para [69] the NPPF recognises the importance of facilitating social interaction and creating healthy, inclusive communities.
- 4.13.** Members should consider the following; firstly that there is currently an intention to provide an alternative (and broadly equivalent) disabled parking pursuant to the redevelopment scheme (albeit not in precisely the same place); secondly that disabled parking, by its nature, is an asset normally used by a numerically very small section of the community. However it would not be lawful to exclude from consideration an application for an ACV simply on the basis that it was limited to an identified section of the community (by definition). There is no such limitation in the statutory words and as a matter of fact local shops, pubs etc will typically be accessed – when considered individually – by a limited section of the overall population.
- 4.14.** However, the number of people who are likely to use a facility may lawfully be taken into account as one factor in deciding whether or not the land provides 'furthers the social wellbeing or social interests of the local community'.
- 4.15.** Members should also consider if there is a robust contingency plan to ensure equally effective blue badge car parking provision is made for the duration of the redevelopment, which could be taken into account when making the decision.
- 4.16.** The breadth of the statutory provisions indicates that a car park which more easily permits a recognised element of the community to access the Town Centre is capable of being an asset which 'furthers' both the social wellbeing and social interests of the local community.

- 4.17.** Whilst the list of potentially relevant factors may be broad, the weight to be given to each factor is for the Council alone to decide, subject to the conventional rules of not according a perverse level of weight to a factor.
- 4.18.** Members should also give consideration to the section 149 of the Equality Act 2010. More details are provided in the Equality and Diversity implications (**Paragraph 7 - Implications**)
- 4.19.** Currently Planning Permission is in place for the William Hunter Way site. This was extended in September 2013 for another 5 years. The Brentwood Replacement Plan August 2005, Policy TC10 relates to William Hunter Way. The Draft Local Plan 2015-20, Preferred Options for consultation July 2013, Policy CP5 relates to William Hunter Way. Details of these can be found in **Appendix D**.
- 4.20.** There was a proposed land swap with the old existing redevelopment plan with Barclays Bank PLC in respect of the specified parcel of land, although no paperwork was exchanged. Any new redevelopment plan would need to have all the relevant permissions and licences in place, prior to any redevelopment.

5. Reasons for Recommendation

The report provides guidance and facts to allow Members to make an informed decision as to whether to list the nominated asset as an Asset of Community Value.

6. References to Council Priorities

Assets of Community Value sit under the Localism priority enabling communities to do more for themselves.

7. Implications

Financial Implications

Name & Title: Jo-Anne Ireland, Acting Chief Executive

Tel & Email 01277 312712 / jo-anne.ireland@brentwood.gov.uk

Under the Assets of Community Value Regulations the local authority is responsible for paying compensation in respect of listed assets within its area. There is no statutory cap on the amount of compensation that may be payable in respect of any one claim, and a local authority may face multiple claims in any one year. The Department for Communities and Local Government has issued guidance in relation to the Community Right to Bid. With regard to compensation claims, any individual or total payments of over £20k in a financial year will be funded by the government. In addition a New Burdens grant has been allocated to all

administering Councils to cover the costs associated with implementing the new scheme.

Whilst the funding from government will help to meet some of the costs of the new arrangements, local authorities will still be expected to fund the first £20k of any compensation payments.

The current balance in the Community Rights to bid reserve has a balance of £29,642, and per agreement by the Council in March a further £16,000 will be transferred to the reserve during 2014/15.

Legal Implications

Name & Title: Christopher Potter, Monitoring Officer and Head of Support Services

Tel & Email: 01277 312860 / christopher.potter@brentwood.gov.uk

The Council has a statutory responsibility to comply with the provisions as set out in the Localism Act and the Regulations made under the Act, currently Assets of Community Value (England) Regulations 2012 SI 2421.

The Council also has a duty to comply with the Equality Act 2010 (see Equality and Diversity implications, section 7)

Risk Management implications – The Council has a legal duty to comply with the legislation relating to Assets of Community Value. In the event that the Council decides that the Car Park should be registered then consideration needs to be given to whether the moratorium would apply in this case as a result of the development agreement the Council previously entered into in relation to the William Hunter Way site.

There is also a possible reputational risk to the Authority by not listing the nominated asset for Brentwood Access Group.

There is possible financial risk, if the asset is listed and the moratorium is applied at the point of disposal.

Asset Management implications – The William Hunter Way Car Park is a Council owned community asset. The Council is committed to working with communities to ensure that this is developed with the long term interests of local people in mind.

Equality and Diversity implications - The process will be fair and consistent for all members of the community and therefore it is not anticipated that there will be any direct impact on individual community groups or members.

Specifically the Council should consider Section 149 of the Equality Act 2010, Public Sector Equality Duty. The general equality duty requires public authorities to have '**due regard**' to the following three aims when delivering services and making decisions:

- **Eliminate unlawful discrimination, harassment, victimisation** and any other conduct prohibited by the Equality Act 2010;
- **Advance equality of opportunity** between people who share a relevant protected characteristic and those who do not share it; and
- **Foster good relations** between persons who share a relevant protected characteristic and persons who do not share it.
- **Protected characteristics** have been extended under the Equality Act to cover:
 - Age
 - Disability
 - Gender
 - Gender reassignment
 - Pregnancy and maternity
 - Race – includes ethnic or national origins, colour or nationality
 - Religion or belief – this includes lack of belief
 - Sexual orientation
 - Marriage and civil partnership

8. Appendices

Appendix A – Nomination of William Hunter Way as Asset of Community Value

Appendix B – Site Map

Appendix C – Provisions under the Localism Act 2011 relating to Assets of Community Value.

Appendix D - Brentwood Replacement Local Plan TC10 – William Hunter Way and the Brentwood Draft Local Plan 2015-20, Preferred Options for consultation July 2013 – Policy CP5 William Hunter Way (page 36)

9. Background documents

9.1. Localism Act

9.2. Planning Permission September 2013 Planning and Development Committee 11 September 2013(min. ref 153.)

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Brentwood Borough Council

Assets of community value

Nomination form

For including land on the List of Assets of Community Value

Community Right to Bid - Assets of Community Value Regulations 2012

Please ensure that you provide adequate and accurate information to enable Brentwood Borough Council to make a decision on your nomination. You may attach photos, maps, plans and other documents to help us correctly identify the asset and to support your nomination. For information and guidance about how Brent Council considers nominations for assets of community value, please visit [WEB PAGE](#) link

Completed forms should be sent either via email to localism@brentwood.gov.uk or by post to:

Community Assets Register
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

1. About your Organisation

a) Contact Details

Name of your organisation:	Brentwood Access Group
Address:	The Brentwood Access Group Secretary C/o 7 The Almshouses, High Street Ingatestone, Essex, CM4 9HP
Name of Contact Person:	Jim Hoare
Phone:	01277 37 55 37
Email:	jim@shenrec.co.uk

b) Eligibility for applying

To be eligible to nominate a community asset for listing, you must be a voluntary or community body:

- § A neighbourhood forum
- § An unincorporated body whose members include at least 21 members and does not distribute any surplus it makes to its members
- § A charity
- § A company limited by guarantee which does not distribute surplus to members
- § An industrial and provident society which does not distribute surplus to members
- § A community interest company.

Also please demonstrate how a 'local connection' exists namely how your organisation's activities are wholly or partly concerned with the local authority's area or with a neighbouring borough's area.

In the case of an unincorporated body, company limited by guarantee and an industrial and provident society, these have a 'local connection' if any surplus generated is applied for the benefit of the borough, or a neighbouring borough.

In the case of an unincorporated body it has a local connection if the body has 21 local members, namely persons who are on the register of local government elections for Brent, or a neighbouring borough.

1. If you are an incorporated organisation please describe the legal form of your organisation including registration number(s) where applicable (e.g. company limited by guarantee, charitable organisation, community interest company etc.)

Organisation Type:	Unincorporated body
--------------------	---------------------

Registration Number(s):	
-------------------------	--

2. If your organisation carries out activities for profit please describe below how you use the surplus that is generated.

A large empty rectangular box with a black border, intended for text input. It occupies the upper half of the page.

3. If you are an unincorporated organisation please describe below what provisions are made for community benefit in your constitution:

The constitution of the Brentwood Access Group states that the Group shall advise, promote and achieve access to all buildings, public areas and mobility related facilities in the Brentwood area for all disabled people. This includes addressing the needs of the disabled people of Brentwood relating to access, transport, parking facilities, mobility in general and equality of opportunity to enjoy the whole environment.

The Group has worked closely with Brentwood Borough Council (and the predecessor Brentwood local authorities) for more than thirty years. Indeed, an appointed liaison Councillor and Access Officer regularly attend our bi-monthly meetings, hosted in the Town Hall.

4. Please describe how your organisation has a local connection to the area where the asset has been identified:

The Brentwood Access Group by definition is connected to the Brentwood area. The Group has a long and proud history, well documented and featured in the local press, of fighting for the improvement of the built environment within the Borough for people with disabilities. For example, raising the access to the old main post office, advising on wheelchair accessible taxis, being part of the consultation team for the new High Street layout.

In 2013 members of the Group were invited to meetings with senior officers of the Council (including Roy Ormsby and Adrian Tidbury) to comment upon and give our opinion regarding proposed plans for car parks for people with disabilities in the town centre, specifically William Hunter Way. After listening to our comments, substantive changes to the proposals were made, as those Council Officers can attest.

2. About the Asset

a) Please give your reasons why Brentwood Borough Council should include the land on its List of Assets of Community Value

In order to list land or buildings the Council must be of the opinion that:

1. An actual current use of the building or other land (which is not ancillary use) furthers the social wellbeing or social interests of the local community and
2. 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

3. There is a time in the recent past when an actual use of the building or other land (that was not an ancillary use of the building or other land) furthered the social wellbeing or

social interests of the local community and

4. It is realistic to think there is a time in the next five years (where 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

Please provide information below which supports your nomination having regard to the test set out above.

The car park for people with disabilities in William Hunter Way benefits disabled motorists and disabled passengers by providing a uniquely safe parking facility, segregated from the dangers of highway traffic, yet adjacent to the town centre. This facility encourages disabled persons to visit and spend money in Brentwood, benefitting the local economy.

Disabled motorists, when alighting from their cars or wheelchair accessible vehicles (WAV's) are particularly vulnerable to being hit by passing traffic. That threat comes particularly from either passing traffic on a highway or other motorists trying to find spaces in mixed use car parks – ie those facilities providing spaces for both disabled and able bodied motorists. William Hunter Way car park offers the safest available parking for the disabled in Brentwood. This facility is a zone of safety in a busy town centre. For wheelchair users, the parking spaces in the High Street, where transfer to and from the wheelchair occurs within inches of passing cars, buses and HGV's is much more dangerous.

The William Hunter Way spaces also have the benefit of no height restriction. Many WAV's need more headroom than is available in multi storey car parks.

It is also important to consider the topography the car park and of Brentwood town centre. The car park itself is flat: hoists in many WAV's are unable to cope with slopes. Sloping parking facilities are also less suitable for wheelchair users. Height above sea level: this car park is on the same level as the centre of the town. From all other car parks, the centre of the High Street is uphill. This is the area with the most useful and popular amenities including the Post Office. For a manual wheelchair user, level access an important consideration.

The value and popularity of this facility to the community is demonstrated by the high usage during shopping hours. Indeed, demand for these parking spaces in William Hunter Way for people with disabilities regularly exceeds the available spaces.

Therefore we submit that the actual current use of the car park for people with disabilities in William Hunter Way furthers the social wellbeing and social interests of the local community and it is realistic to think that the local community can continue to benefit in the same manner.



b) Description of the nominated land including its proposed boundaries

We nominate the existing car park designated for the sole use of blue badge holders in William Hunter Way. The boundary of this land to the north adjoins the southern end of North Road Avenue. To the west the boundary is and includes the access slip road from the roundabout in William Hunter Way. To the south the boundary is the northern footpath of William Hunter Way opposite The Imperial Peking restaurant. To the east the boundary is the brick wall of the electricity substation.

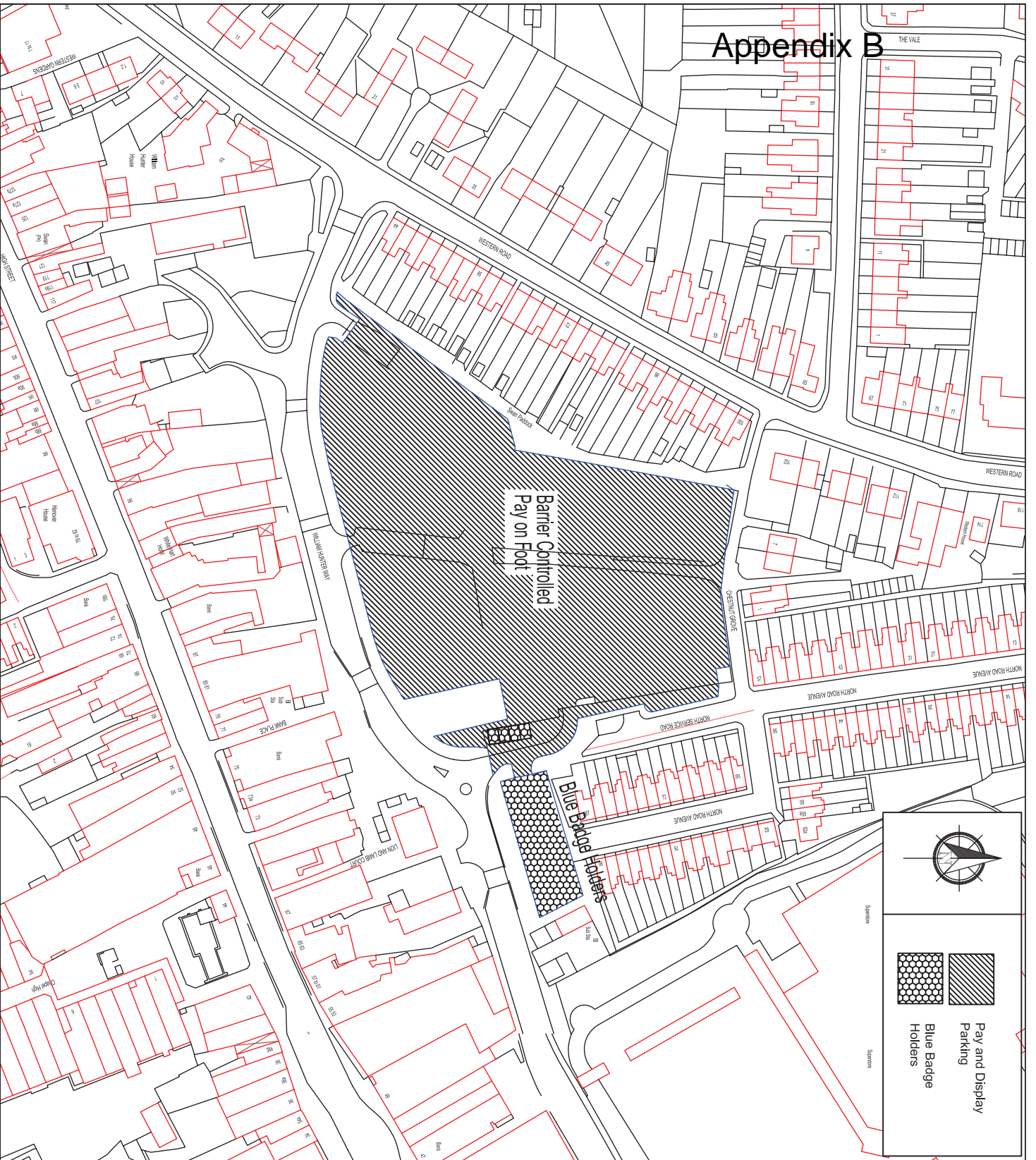
c) Names of current occupants of land

Brentwood Borough Council provides the car park for use of Blue Badge holders visiting Brentwood. Sensibly, the Council must be considered the effective occupants.

d) Names and addresses (or last known address) of all those holding a freehold or leasehold interest in the land

Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood Essex CM15 8AY

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NOTES

Technical

Adrian Tidbury
Community Liaison & Technical Coordinator

Head of Transportation & Parking

Contract
**OFF - STREET PARKING
BRENTWOOD**

Title
**WILLIAM HUNTER WAY CAR
PARK BRENTWOOD**

Drawn By
AJT

Scale
1:1250

Date
JULY 2011

Checked

Drawing No.
T/AJT/3738



Brentwood
Borough Council

Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY
Tel: 01277 312500

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(Brentwood Borough Council) Address: No. 1 (030) 8529) (15249)

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Appendix C

1.1 Process for Listing Community Assets

- 1.2** The first step is for a community group to identify a building or other land that they believe to be of importance to their community's well-being and nominate it for listing by the local authority. The local authority must determine a nomination for listing in 8 weeks.
- 1.3** Only voluntary and community organisations with a local connection (as defined in the Regulations), and local Parish Councils, may make nominations for community assets to be listed.
- 1.4** A local authority must maintain a list of land in its area which is land of community value. If a nominated asset meets the definition of an ACV as set out in the Act, the local authority must add it to the list.
- 1.5** If the authority refuses the nomination they must provide written reasons why it has been refused.
- 1.6** There are some exemptions from listing. Notably residential premises may not be listed (but not living quarters which are integral part of an asset such as a pub or shop which is otherwise eligible for listing).
- 1.7** The provisions require a local authority to notify the owner(s), occupier(s), nominator(s) and local parish council of any decision to list an asset. The local authority is also required to maintain a list of unsuccessful community nominations, and provide reasons to the nominator for any decision not to list an asset.
- 1.8** The owner of an asset may require an internal review of a listing decision by the local authority. The owner has 8 weeks from notification of the listing decision to request a review.
- 1.9** The review must be completed within 8 weeks (unless otherwise agreed with the owner). It must be carried out by an officer who did not take any part in making the listing decision. The review process may include an oral hearing, and must do so if the owner requests that it does.
- 1.10** If the review upholds the listing the owner may appeal to the First Tier Tribunal.
- 1.11** There are no similar rights of review or appeal for community groups. A community group's only mechanism for challenging a decision by a local authority not to list an asset is a judicial review.

- 1.12** Assets must be removed from the list after 5 years. Prior to removal officers must write to interested community organisations. Community groups may nominate the asset for re-inclusion on the list.
- 1.13 Disposal of a listed asset**
- 1.14** If an asset is listed, the owner must notify the local authority of any proposed to make a relevant disposal.
- 1.15** A relevant disposal of a listed asset is the sale of the freehold, or the grant or assignment of a lease for 25 years or more, but only where the disposal will give the new owner 100% vacant possession. (A limited number of disposals, such as transfer by way of gift, within a family, due to inheritance or where the asset forms part of a larger estate are exempt and can place unimpeded by the community right to bid.)
- 1.16** On receipt of notification, the local authority must inform the community group which nominated the asset for listing and publicise the proposal to dispose generally in the area where the asset is situated.
- 1.17** The owner's notification triggers an initial moratorium on the disposal for an initial period of 6 weeks. If during these 6 weeks a community group states an intention to itself bid for the asset the full 6 month moratorium on the disposal is triggered.
- 1.18** The asset may be sold to a community group during this 6 month moratorium.
- 1.19** At the end of the 6 month period the asset can be sold on the open market. At this point community groups have the same rights as any other bidders. The community right to bid does not restrict who the owner of the asset can sell his property to, or at what price.
- 1.20** If the owner wishes to claim compensation for any loss or expense following from compliance with the process he must do so within 13 weeks.
- 1.21** The owner of the land may ask for a review of the compensation decision and the Council will undertake a review and give written notification of the decision of the review and the reasons for the decision. The owner of the land is entitled to appeal to the First-Tier Tribunal against the decision.

1.22 It is likely that not all potential assets of community value will be identified and listed from the outset and that a community group may only become concerned about a particular property when it becomes aware that its disposal is proposed. An application for listing does not trigger any moratorium on the disposal.

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Brentwood Replacement Local Plan (Aug 2005) Saved Policies (Aug 2008)

TC10 Site of the William Hunter Way Car Park - page 175

WHILST NOT PRECLUDING CONSIDERATION OF ANY PROPOSALS THAT MAY COME FORWARD FOR THE REDEVELOPMENT OF THE LAND, IN WHOLE OR PART, FOR A MIXED USE DEVELOPMENT, THE SITE OF THE WILLIAM HUNTER WAY CAR PARK IS TO BE RETAINED AND IMPROVED FOR SHORT STAY SHOPPERS' CAR PARKING IN LINE WITH POLICY T6. EXISTING LONG STAY PARKING WILL BE CRITICALLY ASSESSED AND, WHERE APPROPRIATE, REDUCED.

THE LONGER TERM FUTURE USE OF THE SITE WILL BE RECONSIDERED IN THE LIGHT OF THE CONCLUSIONS OF THE HIGH STREET AREA TRANSPORTATION STUDY AND AN ASSESSMENT OF SHOPPING DEMAND FOLLOWING THE COMPLETION OF THE REFURBISHMENT OF THE BAYTREE CENTRE.

T10 Access for Persons with Disabilities – page 73

THE COUNCIL WILL SEEK TO PROMOTE AN ENVIRONMENT WHICH IS ACCESSIBLE TO ALL THROUGH:

- i) THE PROVISION OF APPROPRIATE NUMBERS AND SUITABLY DESIGNED CAR PARKING SPACES FOR DISABLED PERSONS WHICH ARE EASILY ACCESSIBLE TO PEOPLE WITH LIMITED MOBILITY, AND IN CLOSE PROXIMITY TO SHOPS AND OTHER FACILITIES.
- ii) ENSURING THAT DEVELOPMENTS, INCLUDING TRANSPORT INFRASTRUCTURE, ARE ACCESSIBLE TO AND FUNCTIONAL FOR DISABLED PEOPLE, AND
- iii) THE PEDESTRIAN ENVIRONMENT IS LAID OUT AND DESIGNED TO FACILITATE SAFE ACCESS FOR DISABLED PEOPLE, PARTICULARLY THOSE WHO ARE BLIND OR PARTIALLY SIGHTED OR HAVE LIMITED MOBILITY.

Brentwood Borough Local Plan 2015-2030: Preferred Options

Policy CP5: William Hunter Way – page 36

The Council will seek the redevelopment of the car park Site to provide for new retail/ commercial floorspace to maintain and enhance Brentwood Town Centre as a shopping destination. The Council will promote improvements to the character and built environment of William Hunter Way, including the public realm, creating an attractive mixed use environment with integrated High Street links. Opportunities to improve frontages on the south side of William Hunter Way will be encouraged through landscaping and redevelopment. A mix of uses including residential will be considered appropriate. For proposals affecting the rear of

premises on the north side of the High Street, the Council will encourage additional shopfronts and the provision of double fronted shops.

National Policy

NPPF paragraph 23: *Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:*
...Recognise town centres as the heart of their communities and pursue policies that support their vitality and viability...

...Promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres...

...Recognise that residential development can play an important role in ensuring the vitality of town centres and set out policies

20 November 2014

Community Committee

Iris Close Amenity Green – Asset of Community Value

Report of: *Ashley Culverwell, Head of Borough Health, Safety and Localism*

Wards Affected: *All Brentwood Borough wards*

This report is: *Public report*

1. Executive Summary

- 1.1.** The Localism Act 2011 requires local authorities to keep a list of assets (meaning buildings or other land) which are of community value. Once an asset is placed on the list it will usually remain there for five years. The effect of listing is that generally speaking an owner intending to dispose of the asset must give notice to the local authority. A community interest group then has six weeks in which to ask to be treated as a potential bidder. If it does so, the disposal cannot take place for six months. The theory is that this period known as the “moratorium” will allow the community group to come up with an alternative proposal- although, at the end of the moratorium, it is entirely up to the owner whether a disposal goes through, to whom and for how much. There are arrangements for the local authority to pay compensation to an owner who loses money in consequence of the asset being listed.
- 1.2.** A nomination has been received from the Flowers Estate Residents Association with the land adjacent to 61 and 42 Iris Close, Pilgrims Hatch (Appendix A).
- 1.3.** The report is for Members to consider whether to list the Asset in question as an Asset of Community Value.

2. Recommendation

- 2.1. That Members agree to: Option 1: List the land (excluding 3m either side of the public sewer as this is operational land and therefore exempt from listing as a community asset) adjacent to 61 and 42 Iris Close, Pilgrims Hatch as indicated in Appendix B of the report as an Asset of Community Value; or**
- 2.2. Option 2: Not to list the land (excluding 3m either side of the public sewer as this is operational land and therefore exempt from listing as a community asset) adjacent to 61 and 42 Iris Close, Pilgrims Hatch as indicated in Appendix B of the report as an Asset of Community Value.**

3. Introduction and Background

- 3.1.** A report was presented to Policy, Performance and Resources Board on 7 December 2011 (min ref. 386) so that members were aware of the implications for the Council of the Localism Act 2011 which was given Royal Assent in on 15 November 2011. Part of the Localism Act 2011 is the ability for communities to be able to ask for community assets to be put on a register of 'Assets of Community Value'. These assets can include local pubs, shops, village halls, libraries and community centres.
- 3.2.** A subsequent report was presented to Strategy and Policy Board on 20 November 2013 (min ref. 264) recommending that delegated authority to determine whether nominations should be included within the list of assets of community value, be given to the Head of Borough Health, Safety and Localism in consultation with the Chair of Strategy and Policy Board and relevant ward Councillors'; and that the officer grade for carrying out and determining reviews be at Head of Service level or above.
- 3.3.** The consultation part of the delegation was changed at Ordinary Council on 22 October 2014 (min. ref.213) that the Communities Committee be granted delegated authority to determine applications/nominations for designation of Assets of Community Value. Should the timing of Committee meetings not permit that, the Head of Borough, Health Safety and Localism be granted delegated authority to determine applications/nominations for designation of assets of community value provided that such delegated authority is only exercisable after consultation with the Leader of the Council and any ward Members, which is why this determination is before Members tonight.

- 3.4.** The Localism Act provides an opportunity for communities to raise finance to competitively bid when a community asset comes on the open market. This is achieved through a legal framework governed by the Local Authority. The Act allows communities to nominate assets of community value (ACV's). The Council is given eight weeks to determine whether it meets the criteria for listing from the date of submission, and then places its decision on the list. When the owner of a listed asset wishes to dispose of it, the Act introduces a delay or 'moratorium' before he or she can do so, to give any interested and eligible community groups the time to prepare a bid. However at the end of the moratorium period the owner can sell to whomever they choose at a price agreed by the buyer.
- 3.5.** The Council received a valid nomination on 22 October 2014 from The Flowers Estate Residents Association in relation to the land adjacent to 61 and 42 Iris Close, Pilgrims Hatch (Appendix 1). The Regulation within the Localism Act 2011 requires the Council to determine within 8 weeks whether to list the nominated asset. Therefore the deadline for decision is 17 December 2014.
- 3.6.** The site map for the nominated asset is set out in Appendix B.
- 3.7.** In broad outline the provision under the Localism Act 2011 for listing an Asset of Community Value (ACV) and subsequent disposal are set out in Appendix C.

4. Issue, Options and Analysis of Options

- 4.1.** The essential statutory test for an ACV is set out in Section 88 of the Localism Act 2011. It is for the local authority to judge whether the criteria are met (subject to any challenge by way of judicial review). The criteria are set out as follows:
- 4.2.** **Is the nominating organisation an eligible body to nominate?** *The Council has received names and addresses of members of The Flowers Estate Residents Association and officers have checked the electoral role and confirmed that they are an eligible body to nominate (as an unincorporated body with at least 21 local members).*
- 4.3.** **Does the nominating body have a local connection to the asset?** *Yes the Association are made up of local residents of the Flowers Estate in Pilgrims Hatch.*

- 4.4. Does the nomination include the required information about the asset? (this includes the proposed boundaries, names of current occupants of the land and names and current or last known address of those holding freehold or leasehold estate of the land). All of the necessary information has been subsequently supplied to the Council (see Appendix B for the site plan).**
- 4.5. Is the nominated asset outside one of the categories that cannot be assets of community value (A residence together with land associated with that residence; land in respect of which site licence is required under Part 1 of the Caravan Sites and Control of development Act 1960; and operational land as defined in section 263 of the Town and Country Planning Act 1990). The Council has established that there are sewers that run underneath the nominated asset. Water and Sewerage Undertakers are Statutory Undertakers by definition in Section 262 of the Act and the foul and water sewers will be excluded from the registration so far as the blue and red lines on the plan are concerned. This will include 3m clearance on either side of the sewers. The view is taken after consultation with the Anglian Water authority that the exclusion of Operational Land includes not only the sewers underground but the land required by the Water Authority to carry out its maintenance and safeguarding duties under the Water Act 1989 and Town and Country Planning Act 1990 and orders made under the Act. All the land is otherwise highway land. The current use and the historical records were investigated for the determination of two planning applications which are on the Agenda for the Planning and Development Committee meeting on the 19th November. The outcome of the investigation was reported as follows:**
- The applicant is a company closely associated with the original developer of the housing estate.
 - The owner of the application sites and adjoining undeveloped land is the applicant, as confirmed by land charge searches.
 - All the green areas on the estate were adopted as highways. The Highways Committee of Brentwood Urban District Council on the 5th June 1972 in Minute resolution 69 authorised adoption of the roads.
 - The planning statement submitted with the application included a signed copy from Essex County Council of the extinguishing of highway rights, subject to no objection from Brentwood Borough Council, by agreement or by grant of planning permission.

- A Deed of Agreement made under the Highways Act 1959 between George Wimpey and Brentwood Borough Council was exchanged in 1968 included reference to a proposal for the Council taking over the whole site as public open space and sewers, but there was no adoption of the green areas as open space. The operative clause of the Deed states that “the Council shall adopt the areas coloured as part of the roads maintainable at public expense”. It has been part of Highway Law since 1925 that the improvement of roads includes grass areas, and in the consolidation Highways Act of 1980 this power extends to the laying out of grass verges.
- Brentwood Borough Council granted a planting licence under the Highways Act 1980 to the then owner of 61 Iris Close. This confirms that the Council never did adopt the land for any purpose other than highways.
- Essex County Council have confirmed that they have no interest in the land other than highways authority and received transfer of this authority over the land in 2005, without qualification, from Brentwood Borough Council.
- The land has been maintained by up to 11 cuts of grass a year by Brentwood Borough Council probably since the estate was built out. The land being highway land, the Council received payment from Essex County Council for 2 cuts a year, since transfer back of the highways agency agreement. The maintenance, therefore, was not undertaken for amenity or other reasons separately from being highway land.

- 4.6.** It seems unarguable that the green areas shown on the plan attached to the Highways Agreement of 1968 were adopted other than under Highway powers. In addition to the points listed on the Planning Agenda,
- The only operative statutory powers cited in the Agreement were the Highways Act 1959;
 - a planting licence that was given to the owner of 61 Iris Close under highway powers.
 - The powers of a highway authority to lay out grass verges in a highway in the Highways Act 1980 Section 96 shows no inconsistency with the wording in the deed. This is not the only reference in Highways legislation to green verges or margins. Section 71 of the Highways Act 1980 states it is the duty of the highway authority to provide in or by the side of the highway margins for horses or livestock and these areas can be extensive. It cannot be argued successfully that the Council adopted the land separately as public open space under different legal powers entirely.

- 4.7. Is the current (or recent – within the past 3 years) usage which is the subject of the nomination an actual and non-ancillary usage?** *The current actual usage is that it provides an open space/amenity green for local residents.*
- 4.8.** The Council also needs to consider if in their opinion (a) **an actual current use furthers the social wellbeing or social interests of the local community, and** (b) 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. They may take into account the following:
- 4.8.1. What is the ‘local community’ of the asset as defined by geographical area?** Officers considers that it would include the Borough of Brentwood specifically residents of Pilgrims Hatch.
- 4.8.2. What is the current/recent use of the asset?** The nominating body have stated in their application that the nominated asset currently provides an open space for children to play, and area for dog walkers and a green for children’s parties.
- 4.8.3. How well is the asset used?** The Flowers Estate Residents Association state in the nomination form that the asset is currently used by the local community as a recreational space for children to play, for parties and used by dog walkers.
- 4.8.4. What will be the impact if the usage ceases?** Local residents will have to use the nearest open space available to them.
- 4.8.5. How does it meet the social interests of the community as a whole and not users/customers of a specific service?** For information in the Act ‘social interests’ includes each of the following – cultural interests, recreational interests and sporting interests. The Flowers Estate Residents Association state in the nomination form that it provides opportunities for recreational/sporting interests.
- 4.8.6. How is the asset regarded by the Community (community consultation, evidence of support)?** A total of 62 names and addresses from local residents have been supplied with the nomination form to list the asset.

- 4.9. Members need to consider whether it is realistic to think that there can continue to be non-ancillary use of the asset which will further the social well being or social interests of the local community.

5. Reasons for Recommendation

- 5.1. The report provides guidance and facts to Members to allow Members to make an informed decision as to whether to list the nominated asset as an Asset of Community Value.

6. References to Council Priorities

- 6.1. Assets of Community value sit under the Localism priority enabling communities to do more for themselves.

7. Implications

Financial Implications

Name & Title: Jo-Anne Ireland, Acting Chief Executive

Tel & Email 01277 312712 / jo-anne.ireland@brentwood.gov.uk

Under the Assets of Community Value Regulations the local authority is responsible for paying compensation in respect of listed assets within its area. There is no statutory cap on the amount of compensation that may be payable in respect of any one claim, and a local authority may face multiple claims in any one year. The Department for Communities and Local Government has issued guidance in relation to the Community Right to Bid. With regard to compensation claims, any individual or total payments of over £20k in a financial year will be funded by the government. In addition a New Burdens grant has been allocated to all administering Councils to cover the costs associated with implementing the new scheme.

Whilst the funding from government will help to meet some of the costs of the new arrangements, local authorities will still be expected to fund the first £20k of any compensation payments.

The current balance in the Community Rights to bid reserve has a balance of £29,642, and per agreement by the Council in March a further £16,000 will transferred to the reserve during 2014/15.

Legal Implications**Name & Title:** Philip Cunliffe-Jones Planning Lawyer**Tel & Email:** 01277 312703 / p.cunliffe-jones@brentwood.gov.uk

The Council has a statutory responsibility to comply with the provisions as set out in the Localism Act and the Regulations made under the Act, currently Assets of Community Value (England) Regulations 2012 SI 2421.

Any other legal implications are set out in the body of the report.

None

8. Appendices

- 8.1.** Appendix A – Nomination of land adjacent to no. 61 and 42 Iris Close
- 8.2.** Appendix B – site plan
- 8.3.** Appendix C – Provisions under the Localism Act 2011 relating to Assets of Community Value
- 8.4.** Appendix D - Original adoption agreement – 1968 and extract from Plan
- 8.5.** Appendix E - Planting Licence land adjoining 61 Iris Close and map
- 8.6.** Appendix F – Aerial map of site

Report Author Contact Details:**Name:** Kim Anderson**Telephone:** 01277 312634**E-mail:** kim.anderson@brentwood.gov.uk



Brentwood Borough Council

Assets of community value

Nomination form

For including land on the List of Assets of Community Value

Community Right to Bid - Assets of Community Value Regulations 2012

Please ensure that you provide adequate and accurate information to enable Brentwood Borough Council to make a decision on your nomination. You may attach photos, maps, plans and other documents to help us correctly identify the asset and to support your nomination. For information and guidance about how Brent Council considers nominations for assets of community value, please visit [WEB PAGE](#) link

Completed forms should be sent either via email to localism@brentwood.gov.uk or by post to:

Community Assets Register
Brentwood Borough Council
Town Hall
Ingrave Road
Brentwood
Essex
CM15 8AY

1. About your Organisation

a) Contact Details

Name of your organisation:	THE FLOWERS ESTATE RESIDENTS ASSOCIATION
Address:	17 Poppy Close, Pilgrims Hatch Brentwood, Essex CM15 9QS
Name of Contact Person:	MRS. R. CASSELS.
Phone:	07845 120310.
Email:	Roisin@Casselsfamily.net

b) Eligibility for applying

To be eligible to nominate a community asset for listing, you must be a voluntary or community body:

- A neighbourhood forum
- An unincorporated body whose members include at least 21 members and does not distribute any surplus it makes to its members
- A charity
- A company limited by guarantee which does not distribute surplus to members
- An industrial and provident society which does not distribute surplus to members
- A community interest company.

Also please demonstrate how a 'local connection' exists namely how your organisation's activities are wholly or partly concerned with the local authority's area or with a neighbouring borough's area.

In the case of an unincorporated body, company limited by guarantee and an industrial and provident society, these have a 'local connection' if any surplus generated is applied for the benefit of the borough, or a neighbouring borough.

In the case of an unincorporated body it has a local connection if the body has 21 local members, namely persons who are on the register of local government elections for Brentwood, or a neighbouring borough.

1. If you are an incorporated organisation please describe the legal form of your organisation including registration number(s) where applicable (e.g. company limited by guarantee, charitable organisation, community interest company etc.)

Organisation Type:	Community
--------------------	-----------

Registration Number(s):	
-------------------------	--

2. If your organisation carries out activities for profit please describe below how you use the surplus that is generated.

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3. If you are an unincorporated organisation please describe below what provisions are made for community benefit in your constitution:

Open Space for Children to Play.
Area for Dog Walkers.
Area for Community Activities.
Badger Set

4. Please describe how your organisation has a local connection to the area where the asset has been identified:

Heart of the Community.

2. About the Asset

- a) Please give your reasons why Brentwood Borough Council should include the land on its List of Assets of Community Value

In order to list land or buildings the Council must be of the opinion that:

1. An actual current use of the building or other land (which is not ancillary use) furthers the social wellbeing or social interests of the local community and
2. 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

3. There is a time in the recent past when an actual use of the building or other land (that was not an ancillary use of the building or other land) furthered the social wellbeing or social interests of the local community and
4. It is realistic to think there is a time in the next five years (where 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

Please provide information below which supports your nomination having regard to the test set out above.

The Green space used by the community. children playing, parties, dog walkers. LAND ADJACENT to 61 Awd 42 is close.

b) Description of the nominated land including its proposed boundaries

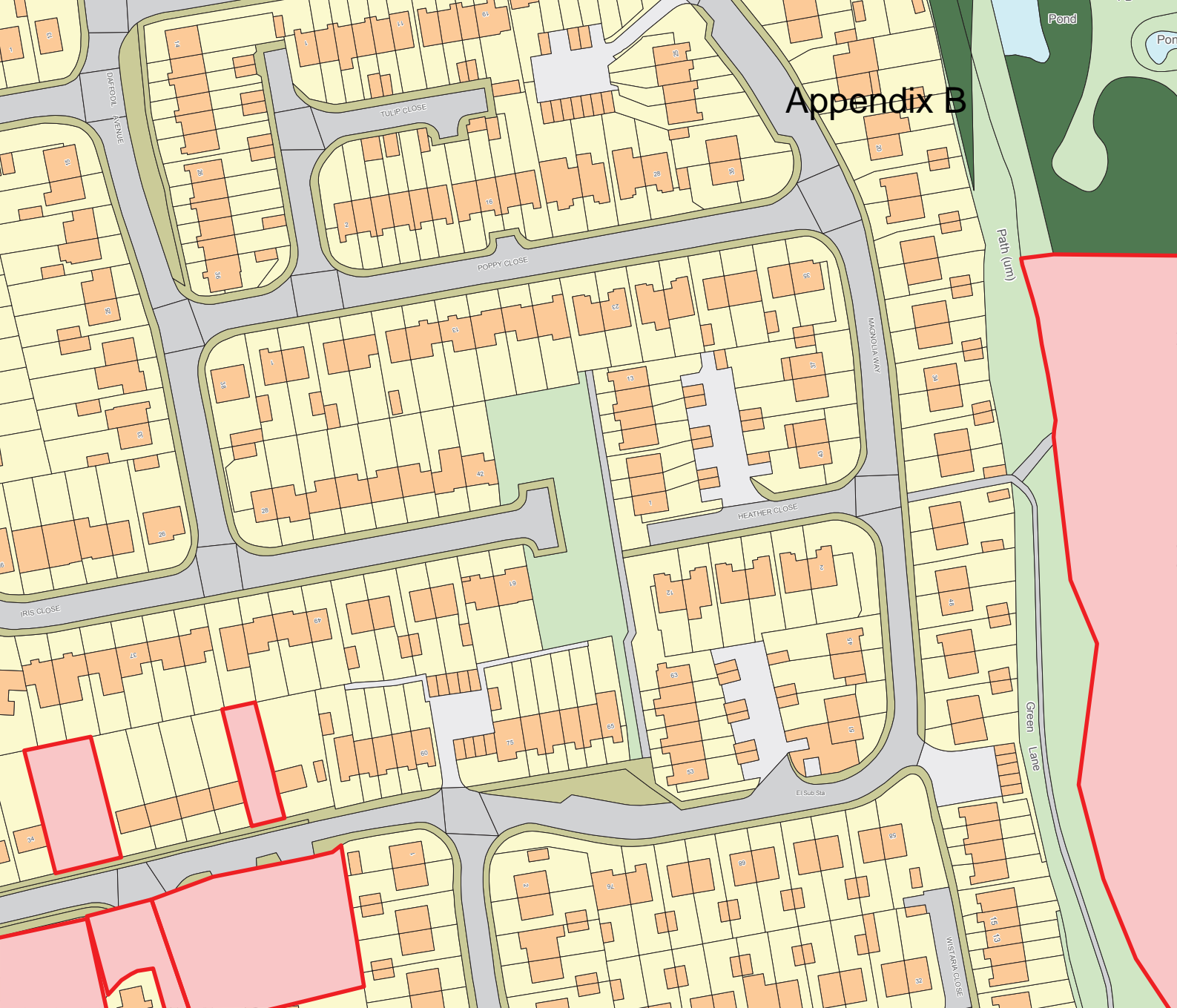
Surrounded by houses
and private open space

c) Names of current occupants of land

d) Names and addresses (or last known address) of all those holding a freehold or leasehold interest in the land

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Appendix B



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Appendix C

1.1 Process for Listing Community Assets

- 1.2** The first step is for a community group to identify a building or other land that they believe to be of importance to their community's well-being and nominate it for listing by the local authority. The local authority must determine a nomination for listing in 8 weeks.
- 1.3** Only voluntary and community organisations with a local connection (as defined in the Regulations), and local Parish Councils, may make nominations for community assets to be listed.
- 1.4** A local authority must maintain a list of land in its area which is land of community value. If a nominated asset meets the definition of an ACV as set out in the Act, the local authority must add it to the list.
- 1.5** If the authority refuses the nomination they must provide written reasons why it has been refused.
- 1.6** There are some exemptions from listing. Notably residential premises may not be listed (but not living quarters which are integral part of an asset such as a pub or shop which is otherwise eligible for listing).
- 1.7** The provisions require a local authority to notify the owner(s), occupier(s), nominator(s) and local parish council of any decision to list an asset. The local authority is also required to maintain a list of unsuccessful community nominations, and provide reasons to the nominator for any decision not to list an asset.
- 1.8** The owner of an asset may require an internal review of a listing decision by the local authority. The owner has 8 weeks from notification of the listing decision to request a review.
- 1.9** The review must be completed within 8 weeks (unless otherwise agreed with the owner). It must be carried out by an officer who did not take any part in making the listing decision. The review process may include an oral hearing, and must do so if the owner requests that it does.
- 1.10** If the review upholds the listing the owner may appeal to the First Tier Tribunal.
- 1.11** There are no similar rights of review or appeal for community groups. A community group's only mechanism for challenging a decision by a local authority not to list an asset is a judicial review.

- 1.12** Assets must be removed from the list after 5 years. Prior to removal officers must write to interested community organisations. Community groups may nominate the asset for re-inclusion on the list.
- 1.13 Disposal of a listed asset**
- 1.14** If an asset is listed, the owner must notify the local authority of any proposed to make a relevant disposal.
- 1.15** A relevant disposal of a listed asset is the sale of the freehold, or the grant or assignment of a lease for 25 years or more, but only where the disposal will give the new owner 100% vacant possession. (A limited number of disposals, such as transfer by way of gift, within a family, due to inheritance or where the asset forms part of a larger estate are exempt and can place unimpeded by the community right to bid.)
- 1.16** On receipt of notification, the local authority must inform the community group which nominated the asset for listing and publicise the proposal to dispose generally in the area where the asset is situated.
- 1.17** The owner's notification triggers an initial moratorium on the disposal for an initial period of 6 weeks. If during these 6 weeks a community group states an intention to itself bid for the asset the full 6 month moratorium on the disposal is triggered.
- 1.18** The asset may be sold to a community group during this 6 month moratorium.
- 1.19** At the end of the 6 month period the asset can be sold on the open market. At this point community groups have the same rights as any other bidders. The community right to bid does not restrict who the owner of the asset can sell his property to, or at what price.
- 1.20** If the owner wishes to claim compensation for any loss or expense following from compliance with the process he must do so within 13 weeks.
- 1.21** The owner of the land may ask for a review of the compensation decision and the Council will undertake a review and give written notification of the decision of the review and the reasons for the decision. The owner of the land is entitled to appeal to the First-Tier Tribunal against the decision.

1.22 It is likely that not all potential assets of community value will be identified and listed from the outset and that a community group may only become concerned about a particular property when it becomes aware that its disposal is proposed. An application for listing does not trigger any moratorium on the disposal.

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AN AGREEMENT made the twelfth day of May

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20/5 One thousand Nine hundred and Sixtyeight BETWEEN GEORGE WIMPEY & CO LIMITED whose Registered Office is situate at 27 Hammersmith Grove London W.6 (hereinafter called "the Owners") of the one part and THE COUNCIL FOR THE URBAN DISTRICT OF BRENTWOOD in the County of Essex (hereinafter called "the Council") of the other part

WHEREAS:-

- (1) The Owners are developing for housing purposes land situate in the Urban District of Brentwood being the site of certain proposed roads shown on the plan annexed hereto and thereon coloured light grey and dark grey and known or intended to be known as Daffodil Avenue Mimosa Close Honeysuckle Close Tulip Close Poppy Close and Iris Close (hereinafter called "the said roads") and are desirous of making up the the said roads so that the same shall become highways repairable at the public expense and have agreed with the Council to carry out or cause to be carried out the works hereinafter mentioned (hereinafter called "the Works")
- (2) The Owners are also constructing foul and surface water sewers indicated by the blue and red lines on the said plan and are proposing to leave open spaces on the land indicated by the green colouring on the said plan so that the same may be taken over by the Council as public open spaces and sewers maintainable at the public expense
- (3) The Council are the local highway authority within the meaning of Section 40 of the Highways Act 1959 and by that Section of that Act are empowered to agree with any person to undertake the maintenance of roads which are to be constructed by that person within their district for public use and to agree that such roads shall become highways maintainable and repairable at the public expense
- (4) The Owners are desirous of dedicating the said roads so that the same may be used for the purpose of public highways and have requested the Council upon being satisfied that the Works have been executed and carried out in accordance with the plan sections and Specifications attached hereto and after the construction of not less than eighty per cent of the houses to be erected on land fronting on to the said roads has been completed to take over the said roads as highways repairable at the public expense which the Council have agreed to do for the consideration hereinafter mentioned
- (5) The Council have agreed subject to the carrying out of the Works and the maintenance thereof in a proper manner upon the terms and

conditions hereinafter appearing and subject also to the Owners securing to the Council in manner hereinafter appearing the cost of part of the Works and to the completion of the construction of eighty per cent of the houses to be erected on land fronting on to the said roads to do all acts and things necessary for the taking over and adoption of the said roads as highways repairable at the public expense.

N O W in pursuance of Section 40 of the Highways Act 1959 and of all other powers (if any) the Council thereunto enabling IT IS HEREBY AGREED AND DECLARED between the parties hereto as follows:-

1. THE OWNERS will at their own expense erect a suitable fence where indicated on the said plan between the points marked A-B-C-D properly sewer level pave metal flag channel and otherwise make good the said roads and provide means for lighting in accordance with the Specifications plan and sections attached hereto and to the satisfaction in all respects of the Engineer Surveyor and Planning Officer of the Council (hereinafter called "the Surveyor") and under the supervision of the officers appointed on the Council's behalf. the said roads coloured light grey and dark grey on the plan annexed hereto in the position indicated on such plan and will in the course of the Works cause all gas and water mains and electric light cables to be laid under the said roads and will also erect and arrange with the Eastern Electricity Board to equip 26 lamp columns as specified and ready for lighting all the Works to be fully maintained for a period of six months from the date of the provisional certificate of completion given by the Surveyor that the Works have been completed to his satisfaction (which certificate shall not be issued until the whole of the Works and the building of the houses hereinafter referred to have been completed) and at the end of such period of six months if the Surveyor shall be satisfied (a) that the Works have been duly and properly maintained and (b) eighty per cent of the houses referred to in Clause 3 of this Agreement have been completed by the Owners the Surveyor will issue his final certificate of the completion of the Works

2. IMMEDIATELY after the execution of this Agreement and before the construction of any houses on land fronting on the said road the Owners shall in accordance with this Agreement construct and complete the reinforced concrete carriageways of the said roads and all surface water drainage works and lay the necessary sewers drains and gullies required in respect of the said road and the buildings which will abut thereon securing in connection therewith the provision of the necessary

water and electricity supplies _____

3. THE Owners propose to erect houses on the land fronting on the said road in accordance with such layout and detail plans as may be approved by the Council in pursuance of its general powers in that behalf and in respect of that part of the said roads fronting on the plot or plots on which a building or buildings shall have been so erected shall complete the carriageway within six months and the footway and verge within one year from the completion of the erection of such building or buildings PROVIDED ALWAYS that notwithstanding anything hereinbefore contained the Owners shall complete the whole of the Works within four years from the date that the Council under the hand of their Clerk certify that arrangements have been made to the Council's reasonable satisfaction for the drainage and treatment of sewage of the said houses _____

4. THE Owners will during the progress of the Works respectively give to the Surveyor and the officers appointed by the Council as aforesaid free access to every part of the said roads and the adjoining building site for the purpose of inspecting the works as they proceed and all materials used or intended for use therein _____

5. IF the Owners shall fail to perform or observe any of the covenants or agreements on the part of the Owners contained herein or in the Specifications attached hereto or shall fail to complete the Works or any part thereof with all diligence in accordance with the foregoing provisions to the satisfaction of the Surveyor or if the Owners shall be adjudicated bankrupt or shall go into liquidation voluntary or otherwise (otherwise than for the purposes of reconstruction or amalgamation) or shall execute a Deed of Assignment for the benefit of creditors or otherwise compound with creditors the Council may by resolution passed at any meeting of the Council without previous notice to the Owners and without prejudice to any of their rights claims or remedies against the Owners for any such non-performance or non-observance and without prejudice to the rights and remedies of the Council under this and the next following Clauses determine this agreement by notice in writing signed by the Clerk of the Council and delivered to the Owners or sent by post to the address as stated in this Agreement thereupon the Council shall be at liberty to make up and complete the said roads or any part or parts thereof or to exercise the powers and duties contained in the Highways Act 1959 or any statutory modification or replacement thereof for the time being in force _____

6. THE Council's Clerk of Works shall be responsible for the detailed supervision of the Works on behalf of the Surveyor

7. THE Owners will at the end of the maintenance period specified in Clause 1 hereof forthwith give up and dedicate the said roads to the public to the intent that the said roads shall become public highways and subject (i) to the issue by the Surveyor of his final certificate of completion as hereinbefore provided and (ii) to the completion of the construction of the houses referred to in Clause 3 hereof the Council will as soon as it is possible conveniently for them so to do give such notice and do such acts and things as may be required for securing that the said roads or part of a road as aforesaid shall become highways repairable at the public expense and the same shall accordingly be and become such highways

8. (a) THE Owners shall at the same time as they carry out the Works level cultivate and seed the areas coloured green on the said plan to the reasonable satisfaction of the Surveyor and shall maintain the same until such time as the same are adopted by the Council as hereinafter provided

(b) THE Council shall subject to the Owners having complied with the provisions of the last preceding sub-clause hereof adopt the said areas coloured green as part of the roads maintainable at the public expense at the same time as the roads which the same abut are so adopted pursuant to Clause 7 hereof

9. UPON the completion of the construction of the sewers shown in red and blue lines on the said plan to the reasonable satisfaction of the Surveyor the Council will take all steps necessary on or after the date upon which the roads are adopted to vest the same in the Council as to sewers

10. WITHOUT prejudice to the right of the Council to exercise any of its rights and powers under any Public or Private Act or other statutory provision then enabling in the event of the non-observance or breach of any of the terms or conditions herein contained the Owners will immediately after the execution hereof supply the Council with a Bond in a form approved by the Council with the Westminster Bank Limited as Surety in the sum of FORTYEIGHT THOUSAND AND FIFTYEIGHT POUNDS (248,058) to secure the payment to the Council by the Owners of the cost of completing the Works and remedying any defects prior to the adoption of the said roads as highways repairable at the public expense

11. THE Owners hereby on behalf of themselves their successors in title

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or assigns undertake and agree with the Council that in the event of any claim for compensation or otherwise or charges arising in connection with or incidental to the carrying out of the Works and not hereby otherwise provided for they the Owners will hold the Council harmless and indemnified therefrom and against all claims charges costs demands and expenses arising in connection therewith

12. THE Owners hereby agree to pay the sum of FIVE POUNDS FIVE SHILLINGS in respect of the Council's costs for the preparation and completion of this Agreement in duplicate and the said Bond and to pay all stamp duties thereon

13. IN the event of any dispute as to the construction of this Agreement the same shall be referred to a Chartered Civil Engineer to be agreed between the parties or failing agreement to be appointed by the President for the time being of the Institution of Civil Engineers and in this respect these presents shall be construed as a submission to arbitration within the meaning of the Arbitration Act 1950 or any statutory modification or replacement thereof

14. THIS Agreement is made pursuant to Section 13 of the Essex County Council Act 1952

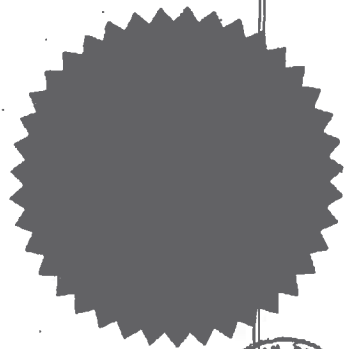
I N W I T N E S S whereof the Owners and the Council have caused their respective Common Seals to be hereunto affixed the day and year first before written

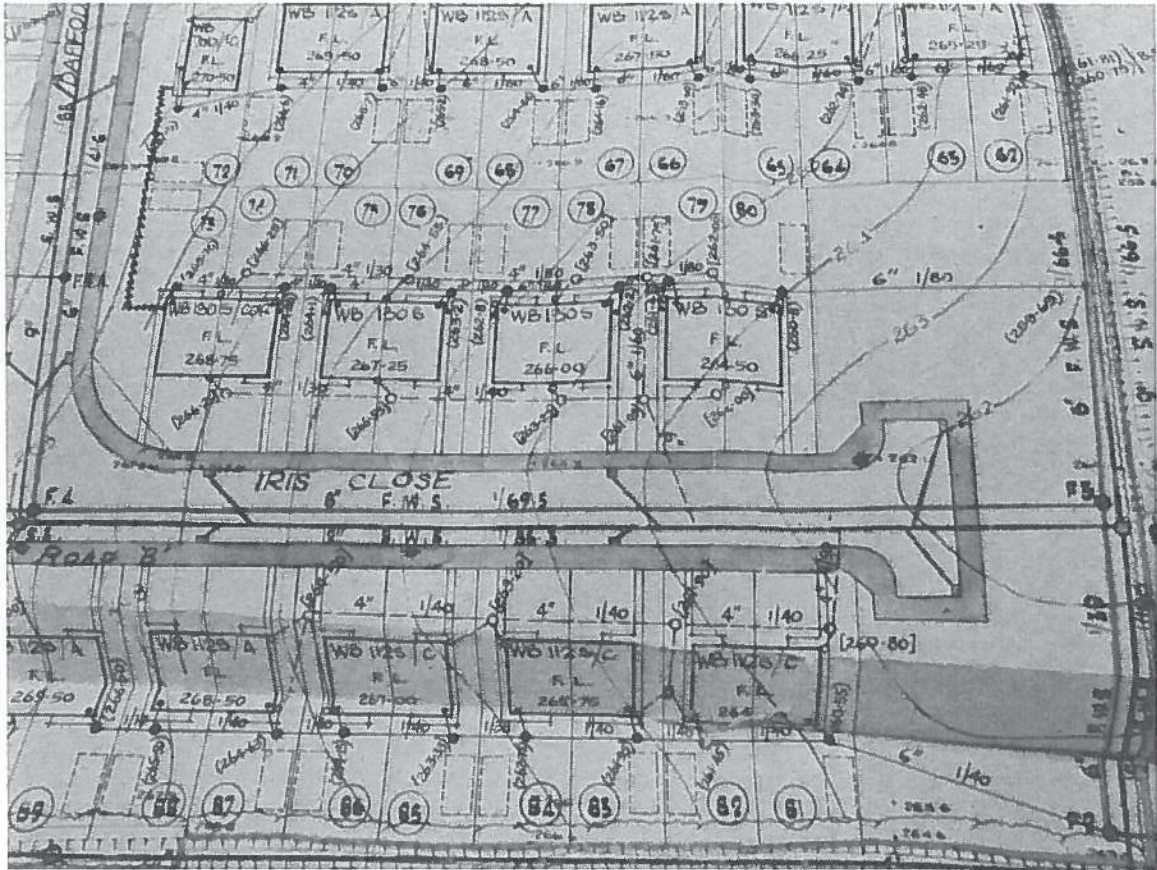
THE COMMON SEAL of GEORGE WIMPEY & CO LIMITED was hereunto affixed in the presence of:-

[Signature]
Director
[Signature]
Duly Authorised

THE COMMON SEAL OF THE COUNCIL FOR THE URBAN DISTRICT OF BRETWOOD was hereunto affixed in the presence of:-

[Signature]
Chairman of the Council
[Signature]
Clerk of the Council





**Highways Act 1980 – Section 142
Licence to Plant in Highway**

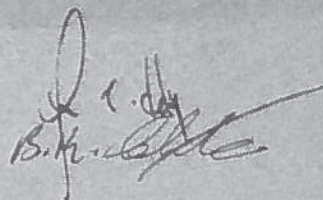
1. The Essex County Council as highways authority for the highway mentioned below (hereinafter referred to as the "Authority") hereby grants to Mr. Gibson of 61 Iris Close, Pilgrims Hatch, Brentwood Essex CM15 9QG hereinafter referred to as "the Licensee", which expression shall include any other person who is for the time being entitled by virtue of this licence to do anything permitted by it to be done under Section 142 of the Highways Act 1980 a licence to plant and maintain in an area of land, forming part of the highway, adjacent to the said 61 Iris Close delineated and edged in red on the drawing no.1 attached hereto (such highway being hereinafter referred to as "the highway") various trees and shrubs together with grass turfing as shown on the said plan (hereinafter referred to as the shrubs and grass) upon the terms and subject to the conditions hereinafter specified and subject also to the relevant conditions contained in the said Section 142 and to the licensee and nothing hereby contained is intended to confer or shall be construed as conferring upon the licensee any interest in the land, and the licensee hereby accept the licence aforesaid upon and subject to the terms, conditions and provisions aforesaid.
2. The exact siting of the trees and shrubs is to be agreed with the Area Engineer, Highways, Town Hall, Ingrave Road, Brentwood, Essex CM15 8AY, before any planting takes place.
3. The planting shall be undertaken during the next appropriate planting season. No part of the shrubs on maturity shall extend beyond a line one metre behind the kerb and parallel to it or shall exceed one metre above the adjacent carriageway.
4. No tree, shrub or plant which is of a poisonous nature (whether by reason of fruit, flowers, leaves or otherwise howsoever) or is otherwise likely to constitute a source of danger to person or animals on the highway shall be planted under this licence.
5. The shrubs to which the licence relates shall be properly cut, pruned and trimmed at all times during the continuance of this licence and the shrubs shall not be allowed to obstruct or interfere in any way with or to become a source of danger to passage along the carriageway or any footway of the highway, or to overhang the premises of any other person other than the licensee.
6. The Licensee shall keep the part of the highway to which this licence relates in a trim and tidy condition and all grass on that part of the highway cut or mown.
7. If it appears to the Authority at any time that the shrubs to which this licence relates are obstructing or interfering, or are likely to obstruct or interfere, in any way with, or are likely to be a source of danger to, passage along the carriageway or any footway of the highway, or to overhang the premises of any person other than the Licensee, or that any grass to which this licence relates is not being cut or mown, the Authority may without notice to the Licensee, lop, prune, cut or trim the shrubs or cut or mow such grass, as it thinks fit, and any such action by the Authority shall be without prejudice to its power under Section 142 of the Highways Act 1980 to withdraw the licence.

8. The Licensee shall not remove any soil from the part of the highway to which this licence relates or otherwise do anything which would interfere with the support given to the rest of the highway.
9. The licence hereby granted shall be annexed to the premises mentioned in paragraph 1 above and shall remain in force until withdrawn by the Authority under Section 142 of the Highways Act 1980 or surrendered to the Authority by the Licensee.
10. Persons authorised by the Authority or any statutory undertakers, sewerage authorities or communication authorities, may at any time enter the part of the highway to which this licence relates without notice to the Licensee in order to carry out works for the purpose of the highway, or the undertaking in question.

Dated the _____ day of _____

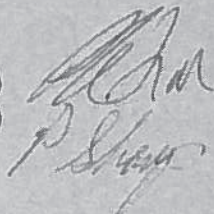
Signed on behalf of the Authority
In the presence of:-

)
)



Signed by the Licensee in the
Presence of:-

1)
2)



PHILIP SHARP

Note: The attention of the Licensee is drawn to:-

- (i) sub-section (6) and (7) of Section 142 of the Highways Act 1980 which prescribe the circumstances in which the licence may be withdrawn by the highway authority or surrendered by the Licensee;
- (ii) sub-section (8) of Section 142 of the 1980 Act which provides that the Licensee or, their representatives, shall indemnify the highway authority against any claim in respect of injury, damage or loss arising out of the planting or presence of any trees, shrubs, plants or grass to which this licence relates or the execution of works by any person or by the highway authority;
and
- (iii) sub – section (4) of Section 142 of the 1980 Act which requires that within one month after any change in the ownership of the premises the Licensee shall inform the highway authority of it.



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Members Interests

Members of the Council must declare any pecuniary or non-pecuniary interests and the nature of the interest at the beginning of an agenda item and that, on declaring a pecuniary interest, they are required to leave the Chamber.

- **What are pecuniary interests?**

A person's pecuniary interests are their business interests (for example their employment trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and asset including land and property).

- **Do I have any disclosable pecuniary interests?**

You have a disclosable pecuniary interest if you, your spouse or civil partner, or a person you are living with as a spouse or civil partner have a disclosable pecuniary interest set out in the Council's Members' Code of Conduct.

- **What does having a disclosable pecuniary interest stop me doing?**

If you are present at a meeting of your council or authority, of its executive or any committee of the executive, or any committee, sub-committee, joint committee, or joint sub-committee of your authority, and you have a disclosable pecuniary interest relating to any business that is or will be considered at the meeting, you must not :

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business or,
- participate in any vote or further vote taken on the matter at the meeting.

These prohibitions apply to any form of participation, including speaking as a member of the public.

- **Other Pecuniary Interests**

Other Pecuniary Interests are also set out in the Members' Code of Conduct and apply only to you as a Member.

If you have an Other Pecuniary Interest in an item of business on the agenda then you must disclose that interest and withdraw from the room while that business is being considered

- **Non-Pecuniary Interests**

Non –pecuniary interests are set out in the Council's Code of Conduct and apply to you as a Member and also to relevant persons where the decision might reasonably be regarded as affecting their wellbeing.

A 'relevant person' is your spouse or civil partner, or a person you are living with as a spouse or civil partner

If you have a non-pecuniary interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

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Community Committee Terms of Reference

General Powers of Committees

This scheme of delegation sets out the functions of the Council to be discharged by its Committees and Sub- Committees and includes the terms of reference of statutory and non statutory bodies set up by the Council.

Each committee or sub committee will have the following general powers and duties:

- (a) To carry out the duties and powers of the Council within current legislation;
- (b) To comply with the Council's standing orders and financial regulations;
- (c) To operate within the budget allocated to the committee by the Council.
- (d) To guide the Council in setting its policy objectives and priorities including new initiatives, and where appropriate make recommendations to Council
- (e) To develop, approve and monitor the relevant policies and strategies relating to the Terms of Reference of the Committee;
- (f) To secure satisfactory standards of service provision and improvement, including monitoring of contracts, Service Level Agreements and partnership arrangements;
- (g) To consider and approve relevant service plans;
- (h) To determine fees and charges relevant to the Committee;

Community Committee

The functions within the remit of the Community Committee are set out below

- 1) Community and Localism Initiatives
- 2) The Voluntary Sector and community partnerships
- 3) Parish Council liaison
- 4) Health and Wellbeing
- 5) Grants to organisations/voluntary organisations

6) Parks, open spaces, countryside, allotments

1. To take the lead on community leadership and consultation with stakeholders.