



Minutes

Housing, Health & Community Committee Monday, 18th September, 2023

Attendance

Cllr Dr Barrett (Chair)	Cllr Russell
Cllr Mrs Davies (Vice-Chair)	Cllr Sankey
Cllr Kendall	Cllr Slade
Cllr Mayo	

Apologies

Cllr Mrs Francois	Cllr Mrs Pound
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Substitute Present

Cllr Poppy
Cllr Reed

Also Present

Cllr Wagland
Cllr Barber
Cllr Mrs Fulcher
Cllr Mrs Murphy

Officers Present

Lauren Stretch	- Director of Housing
Tracey Lilley	- Director - Communities & Health
Zoe Borman	- Governance and Member Support Officer
Kim Anderson	- Corporate Manager Communities, Leisure & Health
Carol Burton	- Corporate Manager - Technical Services
Nicola Marsh	- Corporate Manager - Housing Estates
Paulette McAllister	- Programme Lead - Strategic Housing Development Programme

LIVE BROADCAST

[Live stream to start at 7pm and available for repeat viewing.](#)

158. Apologies for absence

Apologies had been received from Cllrs Mrs Francois and Pound. Cllrs Poppy and Reed were substituting.

159. Minutes of the previous meeting

The Minutes of the last meeting held on 19th June were agreed as a true record.

160. Chairs Update

This report highlighted the work achieved by the Housing and Community Teams to date.

The Performance Presentation giving an overview of the partnership between Brentwood Borough Council and Everyone Active which was unavailable at the meeting is attached to the Minutes.

Members raised questions concerning Lighting Up Brentwood. Mrs Anderson has since sent committee members event details for this year supported by BID.

Cllr Kendall advised the Committee that Hutton Poplars Bowling Club would sadly be closing down.

Members raised concerns regarding the lift which was out of action at Victoria Court and requested that Members were kept fully informed of this and other similar issues.

Officers advised that since the pandemic there have been difficulties obtaining the parts required to maintain the lifts.

The Lift Communications Plan is currently under review. The council are aware the lifts are old and more prone to faults. Temporary and long term solutions are being investigated such as stair lifts.

Members declared an interest in the site visits to Estate Pilot Sites.

Members noted the report.

[Cllr Reed declared a non-pecuniary interest with regards the Try a Tri event and supplying animals on behalf of SNAP]

161. Creative & Cultural Vision 2023-2027

The report outlines the vision for creativity and culture in Brentwood, for the next 5 years, as determined through a public consultation process with a range of stakeholders. A clear strategy for culture and creativity with a five-year complementary action plan against the three priorities outlined in this report, will be developed to monitor delivery and progress.

Members noted the report.

162. Leisure Contract Information

The Brentwood Leisure Centre and Hartswood Pavilion in King George's Playing Fields is currently managed by Everyone Active (SLM) and their contract is due to expire on 1 October 2023. The Council is looking to extend the contract until 31 March 2025 and during that period draw up the tender documents to go out in 2024 for a longer-term leisure contract. This short extension aligns with expiration of the Leisure Contract for Rochford District Council's leisure facilities. It is proposed to do a joint tender for the leisure facilities across Brentwood and Rochford from 1 April 2025.

Cllr Dr Barrett **MOVED** and Cllr Davies **SECONDED** the recommendations in the report.

Cllr Dr Barrett advised that Cllrs Russell, Poppy, Dr Barrett, Davies and Mayo would form the Leisure Strategy Working Group.

Following a short discussion a vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**

1: To note the report that went to Finance, Assets, Investment and Recovery Committee on 13 September for information

2: That Members nominate cross party representatives for the Leisure Strategy Working Group.

Reasons for Recommendation

Brentwood Borough Council needs to develop a robust and evidenced based feasibility study on potential investment options at the Brentwood Centre. This will be informed by the following information:

- Engagement with internal and external stakeholders and partners to understand local needs and aspirations for the facility.
- Assessment of supply and demand for different facilities and, taking into account the size and demographics profile of the identified catchment population
- Assessment of potential options, including energy saving opportunities and a clear rationale and evidence base for the preferred option.
- Drawing and accommodation schedules
- Budget cost estimates and project delivery programmes which set out the timeframes for procurement, detailed design, planning and construction.

- Revenue business plans based on robust assumptions and market insight.
- Collation of all outputs into a report outlining key findings, conclusions and recommendations which will be presented to the relevant committee.

163. Leisure Strategy Action Plan

The Leisure Strategy 2018-28 is one of the key strategies for the Council to ensure that its leisure facilities now are not only fit for purpose now, but for the future. The Strategy and annual action Plan set the vision of what the Council needs to achieve, the challenges it faces and how the priorities and outcomes have been identified. The Annual Action Plan sets out what has been delivered in 2022-23 and the planned activity for 2023-24.

Cllr Dr Barrett **MOVED** and Cllr Davies **SECONDED** the recommendations in the report.

Following a short discussion a vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**

1: To agree the Leisure Strategy action plan for 2023-24 and to note the progress in 2022-23.

Reason for Recommendation

As part of the Council's due diligence in delivering a successful leisure strategy, members and officers need to have a complete picture of the current associated costs, risk profiles of the Borough Leisure facilities and identify opportunities for income generation.

164. Health & Wellbeing update

The Health and Wellbeing Strategy 2020 – 2023, was written before the COVID-19 pandemic and is due to be refreshed before 2024. In light of the upcoming strategy refresh the public health team felt it necessary to have an updated, post-pandemic snapshot of the health and well-being of the borough in line with current data, in order to update the priorities to best suit the needs of the residents.

Following a full discussion Members noted the report.

165. Pets as Prizes (RSPCA Campaign)

The report provided the context on the ban of giving live animals (e.g., goldfish, etc.) as prizes as set out in the Royal Society for the Prevention of Cruelty to Animals (RSPCA) campaign of 2021 and explained the current legislation framework and recommendations of actions that Brentwood Borough Council can take in support of the RSPCA campaign on an outright ban of giving live animals away on Council owned land.

Cllr Dr Barrett **MOVED** and Cllr Davies **SECONDED** the recommendations in the report.

Members welcomed this report. Following a full discussion a vote was taken by a show of hands and Members **RESOLVED UNANIMOUSLY**

1: That Brentwood Borough Council agrees that an outright ban of the giving of live animals as prizes in any form, on Brentwood Borough Council owned land is implemented.

2: That Brentwood Borough Council writes to the UK Government requesting an outright ban of live animals as prizes on both public and private land.

3: The Council carries out a review of the current policies and the terms and conditions of the licences and hire of Council owned land and premises to ensure that they reflect the Council's position as regards giving of live animals (e.g., goldfish, etc.) as prizes.

Reasons for Recommendation

The Council was contacted by a resident in Brentwood through their Councillor expressing their concerns that the practice of giving live animals is still not outlawed and has requested that the Council work with the RSPCA to support their campaign to ban outrightly the giving of live animals as prizes on Council owned land.

The RSPCA provides several reasons as to why the giving of such prizes is an outdated practice, their concerns on animal welfare, release of unwanted animal prizes into the environment and the lack of preparation and understanding of the care that animals require to provide them with a suitable environment.

Therefore, by issuing an outright ban on such activities on all Council owned or operated land and properties, the Council will send a clear message of its commitment to ensure the welfare of animals and help reinforce the message that these practices are no longer desirable in our community.

166. Compliance & Repairs Update

Members received a presentation from Brentwood Housing Team together with Mr Chris Houlihan of Axis.

Members welcomed the positive update and look forward to seeing an improvement on the current services.

167. Housing Policy Reviews

Since 2020, Housing have been reviewing and renewing all its policies and strategies. Many of these are now approaching their review dates.

On 4 September 2023, a Policy working group was held with members of this committee who were invited to read and make comments and suggestions on the 4 reviewed policies:

Appendix A: Income Management Policy

Appendix B: Former Tenant Debt Recovery Policy
Appendix C: Recharge Policy
Appendix D: Electrical Safety Policy

Amendments and suggestions have been implemented as discussed to form the final draft documents.

Each policy has had amendments made which are explained in the report.

Cllr Dr Barrett **MOVED** and Cllr Davies **SECONDED** the recommendations.

A vote was taken by a show of hands and Members **RESOLVED UNANIMOUSLY**

1: To approve the below reviewed policies for immediate implementation by the Housing Service:

- 1. Income Management Policy**
- 2. Former Tenant Debt Recovery Policy**
- 3. Recharge Policy**
- 4. Electrical Safety Policy**

Reason for Recommendation

In order to keep all Housing policies relevant and up to date with Housing Legislation, they require regular reviews and updates.

168. Hoarding Policy

In the last two years the housing team have identified two serious hoarding cases within our stock. It quickly became apparent that there were no guidance documents or policies to help and support officers, only information from Social Care.

With the implementation of Tenancy Audits imminent, we are proposing to introduce a new Hoarding Policy to support officers and provide clear guidance on how to deal with these cases as we anticipate finding more as the new audits progress.

Our aim is to deal with each identified case in a safe, supporting, considerate and efficient manner.

Cllr Dr Barrett **MOVED** and Cllr Davies **SECONDED** the recommendations.

A vote was taken by a show of hands and Members **RESOLVED UNANIMOUSLY**

For members to endorse the Health & Safety and Wellbeing Policy.

Reasons for Recommendation

By implementing this policy, officers will have a guide to dealing with complex hoarding cases and if they are questioned on their actions, can refer to the document accordingly.

This will also be shared with residents should they query why we are doing

something and will also assist in their understanding of hoarding.

169. SHDP Update

This report summarises progress since the last committee in June 2023 on a pipeline of new affordable homes through the development and regeneration of various Housing Revenue Account (HRA) owned sites.

As a reminder, the Strategic Housing Delivery Programme (SHDP) is made up of two distinct elements, 1) the regeneration of Brookfield Close and Courage Court, Hutton to develop 62 zero carbon homes alongside Harewood Regeneration which consists of 40 new zero carbon homes, and 2) the development of a range of smaller HRA sites to deliver further affordable homes on further council owned sites.

The Council's Corporate Strategy 'Brentwood 2025' commits to Introducing "innovative Carbon reduction and absorption schemes", "identify opportunities for low emission and green developments" and using "brownfield sites efficiently, such as council owned garage sites, to provide affordable homes...".

Ms Paulette McAllister presented the report to Members.

170. Urgent business

Asset of Community Value: St Andrews Methodist Church, Herongate

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.

A valid nomination had been received by the Herongate and Ingrave Preservation Society on 14 September 2023 (**Appendix A**) In relation to St Andrews Methodist Church and land as indicated on the attached site plan (**Appendix B**) contained within the report.

Mrs Kim Anderson presented the report to Members.

Cllr Dr Barrett **MOVED** and Cllr Davies **SECONDED** the recommendations.

A vote was taken by a show of hands and members **RESOLVED UNANIMOUSLY**

1: To list the land as a community asset as indicated in Appendix B of the report as an Asset of Community Value and that it is added to the Council's Register of Community Assets.

Reasons for Recommendation

The nomination meets both the statutory tests as set out in 3.7 and therefore it is recommended to list St Andrew's Methodist Church and land as an Asset of Community Value and add it to the Council's Register of Assets of Community Value.

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.

171. Strategic Housing Delivery Programme

The public were excluded from the meeting for the item of business on the grounds that the disclosure of exempt information as defined in Schedule 12A of the Local Government Act 1972 was involved.

A Motion was **MOVED** by Cllr Dr Barrett and **SECONDED** by Cllr Davies to agree the recommendation in the report. A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**.

172. Garage Site Review

The public were excluded from the meeting for the item of business on the grounds that the disclosure of exempt information as defined in Schedule 12A of the Local Government Act 1972 was involved.

A Motion was **MOVED** by Cllr Dr Barrett and **SECONDED** by Cllr Davies to agree the recommendation in the report. A vote was taken by a show of hands and it was **RESOLVED UNANIMOUSLY**.

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EVERYONE

**The Brentwood Centre
and Hartswood Pavilion**

Performance Presentation

September

2023

Agenda

- Introduction
- Attendance
- Facility Improvements
- Community
- Swimming Lessons
- Fitness Memberships
- Events
- Q&A

Introduction

Overview of partnership between Brentwood Borough Council and Everyone Active

Introduction

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- Contract commenced October 2021

Introduction

Overview of partnership between Brentwood Borough Council and Everyone Active

- Page 128
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 - Expires 31st March 2025

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- Continuous dialogue between authority and operator

Introduction

Overview of partnership between Brentwood Borough Council and Everyone Active

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- Fortnightly meetings

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- Fortnightly meetings
- Monthly reports

Introduction

Overview of partnership between Brentwood Borough Council and Everyone Active

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- Contract commenced October 2021
- Expires 31st March 2025
- Continuous dialogue between authority and operator
- Fortnightly meetings
- Monthly reports
- Open, supportive and progressive partnership

Attendance

- Continued growth in participation across the two sites

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How has this been achieved?

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Attendance

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How has this been achieved?

- Increased fitness membership base
- Facility investment
- Growth on swim scheme
- Awareness through marketing
- Sensitive price increases (below rate of inflation)
- Price freeze on key activities (general swimming and Tag Active)

Attendance

- Continued growth in participation across the two sites

How has this been achieved?

- Increased fitness membership base
- Facility investment
- Growth on swim scheme
- Awareness through marketing
- Sensitive price increases
- Price freeze on key activities (general swimming and Tag Active)
- Introduction of additional clubs and activities

Attendance Growth

2022/2023 YTD	203,837	(40,767 visits per month)
2023/2024 YTD	243,288	(48,658 visits per month)
Percentage Increase	19.4%	

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Participation comparison figures based on April to August inclusive

Facility Improvements

Brentwood Completed

- Fitness Suite equipment upgrade
- LED lighting conversions
- Reception upgrade
- Swimming Pool viewing area upgrade

Brentwood Planned

- Ground and 1st floor Toilets reconfiguration and upgrade
- 1st Floor refurbishment including extension of Holistic Hub
- Introduction of Sauna and Steam Room area
- Upgrade of Soft Play Area
- BMS System

Facility Improvements

Hartswood Pavilion Completed

- Overflow Car Park
- Upgrade of Soft Play Area
- Additional F&B Storage (Splash Pad)

Hartswood Pavilion Planned

- Provision of Staff Office

Community

- Autistic FC
- Brentwood Artistic Swimming Club
- Brentwood Central Amateur Boxing Club
- Connect Health
- No Strings Badminton
- Sasha Corbin Netball Masterclass
- Sport 4 Confidence

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SOLO SKETCHING

Sasha Corbin Masterclass

A fantastic opportunity for aspiring players to learn from Saracens Mavericks Captain and former England Roses star Sasha Corbin. Sasha will support players to improve their netball skills using new techniques, understand what it takes to make it to the top and most importantly, have fun while training!

Venue: The Brentwood Centre Age: 12+

Date: Thursday 16th February 2023 Cost: £35

Time: 13.00 – 15.30

For more information and to book visit <https://amasterclasses.digitickets.co.uk>

everyone active MASTERS CLASSES FEBRUARY

SPORT FOR CONFIDENCE

Brentwood
The Brentwood Centre,
Doddinghurst Road CM15 9NN

WEDNESDAY	10:00 60 Mins	Exercise for Confidence
	11:30 45 Mins	Boccia
	14:00 60 Mins	Love to Move
THURSDAY	10:00 60 Mins	Supported Gym
	11:30 45 Mins	Kurling
	13:00 60 Mins	Multi-Sports

FREE PARKING AVAILABLE

Occupational Therapist sportforconfidence.com

ALL SESSIONS £3.50 (CARD PAYMENT ONLY)

Sport for Confidence place an Occupational Therapist and Coach into a leisure centre to make reasonable adjustments and break down barriers to enable everyone to participate in sport and physical activity and experience positive outcomes in their lives.

For further information email info@sportforconfidence.com or contact the Lead Occupational Therapist Kim Dutton 07561 853044

Interested or know someone that would be? Please scan the QR code to register!

Play Your Part™
sportforconfidence.com

everyone ACTIVE ActiveEssex

Swimming Lessons

- Swim England Swim Operator of the Year
- Scheme Growth
 - 671 October 2021
 - 1,119 August 2023
 - 67% Increase

Fitness Membership

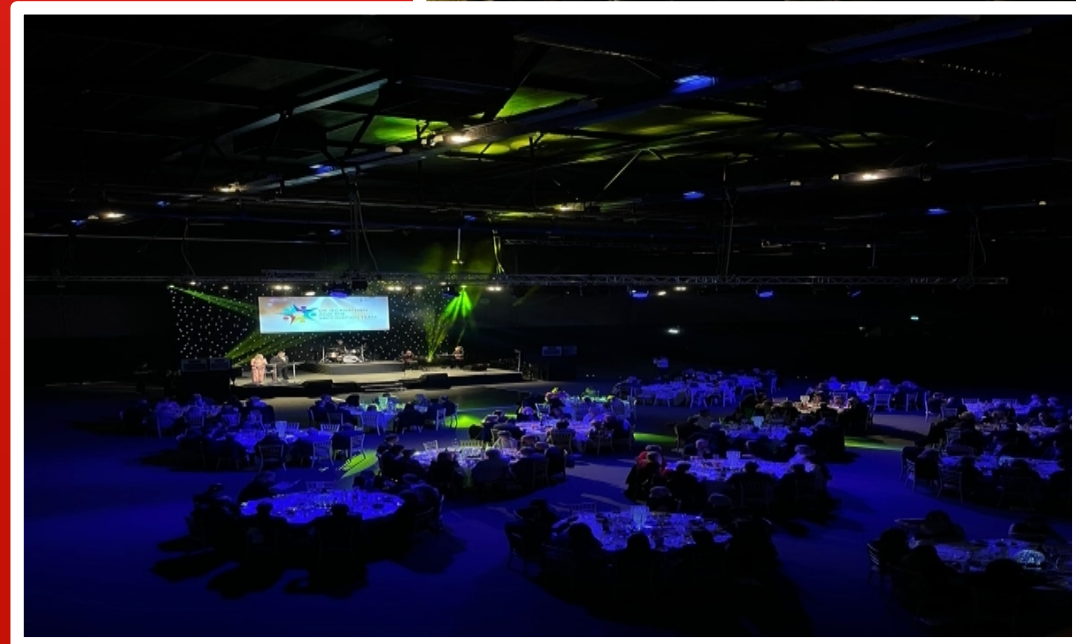
- Membership Base
 - October 2021 1,512
 - August 2023 2,913
 - Increase 93%
- Group Exercise participation



Events

- Delivered large-scale events
- Matchroom
- English Open Snooker
- Tribute Acts
- Jack Whitehall
- Paulo Di Canio
- Boxing Events
- Varied Programme

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Events Since January 2023

- Antiques Fair
- Professional Boxing – Top Tier
- West Ham Vs Fiorentina Live Show
- Networking Essex – Business Show
- Comic Con
- Live Music
- World Pool Masters
- The Big Sing
- Judo
- Nash Dance School

Events still to come in 2023

- English Open Snooker
- Festive Food & Drink Show
- London Festival of Gymnastics
 - Jimeion
 - Jack Whitehall
 - Bingo Loco
- Essex Healthy Schools
 - Rock Orchestra
- Hutton Choral Society – Xmas Show

Charity Events – Partnerships

- National 3 Peaks Challenge
- EA successfully completed the challenge within 24 hours
- Contributed over £1.5k of the £50k raise overall for cancer research

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Hartswood Pavilion Soft Play

- EA invested over £20k improving the Soft Play facility

Hartswood Pavilion Soft Play

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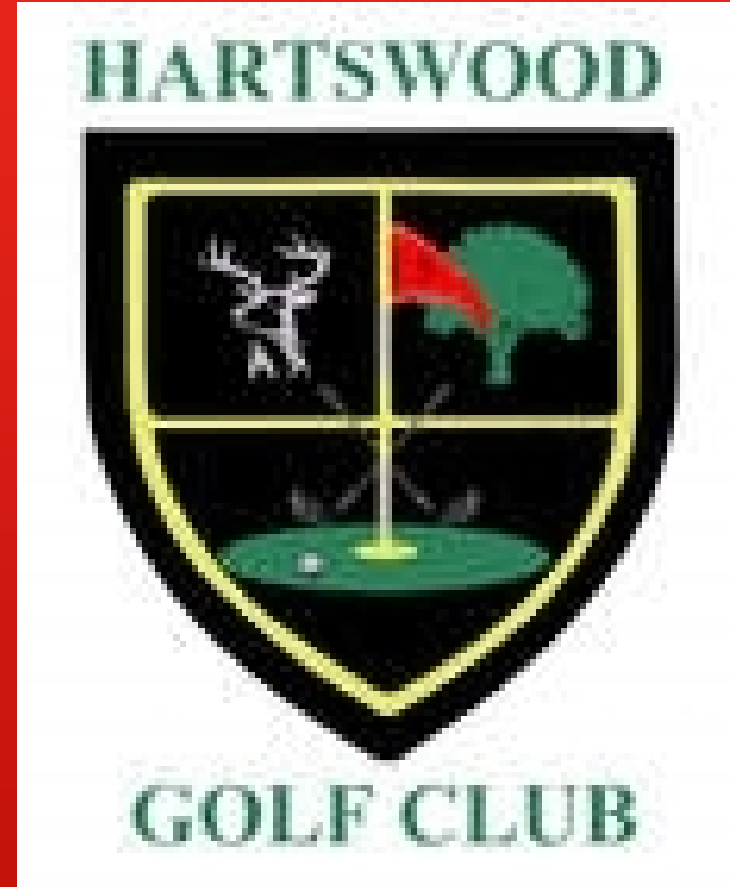
- EA invested over £20k improving the Soft Play facility
- Investment has seen a 12% rise in usage

Hartswood Pavilion - Soft Play Upgrades



Hartswood Pavilion – Developing Relationships

- Now booking societies together
- Successful Captains Day
- Working together to develop F&B
- Increased Membership for HGC



Future Targets & Milestones

- Fitness Membership to 3,000 by October 2023
- Swim Scheme to 1,250 by March 2024
- Continued development of Events programme
- Refurbishment of The Brentwood Centre
- Continued development of community-based activities
- Football Hub
- Investigate viability of Soft Play and Tag Active memberships

EVERYONE

**IS READY TO ANSWER
QUESTIONS...**

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Housing, Health and Community Committee
18 September 2023

REPORT TITLE:	Asset of Community Value: St Andrews Methodist Church, Herongate
REPORT OF:	Tracey Lilley, Director of Community and Health

REPORT SUMMARY

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.

A valid nomination has been received by the Herongate and Ingrave Preservation Society on 14 September 2023 (**Appendix A**) In relation to St Andrews Methodist Church and land as indicated on the attached site plan (**Appendix B**).

The report is for Members to list or not to list the land as an Asset of Community Value as indicated in **Appendix B**

RECOMMENDATION

R1: To list the land as a community asset as indicated in Appendix B of the report as an Asset of Community Value and that it is added to the Council's Register of Community Assets.

SUPPORT ING INFORMATION

1.0 REASON FOR RECOMMENDATION

- 1.1 The nomination meets both the statutory tests as set out in 3.7 and therefore it is recommended to list St Andrew's Methodist Church and land as an Asset of Community Value and add it to the Council's Register of Assets of Community Value.

2.0 BACKGROUND INFORMATION

- 2.1 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 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.
- 2.2 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.
- 2.3 The Council received a valid nomination (Appendix A) on 14 September 2023 from Herongate and Ingrave Preservation Society. The regulations made under the Localism Act 2011 require the Council to determine within 8 weeks whether to list the nominated asset. Therefore, the deadline for a decision would be 9 November which is outside the Committee cycle of meetings which is why this report is before Members tonight.
- 2.4 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**. In particular, Members are reminded of what is meant by a relevant disposal of a listed asset (see. 1.15 of **Appendix C**).

3.0 OTHER OPTIONS CONSIDERED

- 3.1 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:
- 3.2 **Is the nominating organisation an eligible body to nominate?** Yes, Herongate and Ingrave Preservation Society is a registered charity, number 289012.
- 3.3 **Does the nominating body have a local connection to the asset?** Yes, the charity is based in Herongate and Ingrave.
- 3.4 **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 a freehold or leasehold

estate on the land). All of the necessary information was supplied to the Council (see Nomination form) Appendix A and (site plan) Appendix B.

- 3.5 **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 operating land as defined in section 263 of the Town and Country Planning Act 1990).** The land indicated is not one of the exempt categories that cannot be listed as an ACV, so this nomination cannot be ruled out on that principle.
- 3.6 **Is the current (or recent) usage which is subject of the nomination an actual and non-ancillary usage?** The current usage as submitted in the nomination form is that up until July 2023 as a Methodist Church that held regular services, together with gardens and allotments that are well used by the residents and the community garden has the added attraction of being used for mental health and wellbeing. **Appendix D** also provides further supporting information.
- 3.7 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:
- 3.8 **What is the ‘local community’ of the asset as defined by geographical area?** Officers consider that this would include Herongate and Ingrave and the Borough of Brentwood and the immediate surrounding areas.
- 3.9 **What is the current/recent use of the asset?** The nominated asset’s usage was a Methodist Church, together with community garden and allotments.
- 3.10 **How well is the asset used?** The nominee has stated that The Methodist church has now ceased its operations which then allows for the residents to fully utilise the premises. To date, there are 15 users of the allotments, it's a drop-in centre for the community gardens which number upwards of 30 people, up to 30 visitors on open days, as well as the yoga group of 15 people, various other groups including the local rambling groups, meeting centre for the Parish Council and the Herongate and Ingrave Preservation Society. Now regular services are not being held, it is the intention to invite all faiths to utilise the space.
- 3.11 **What will be the impact is the usage ceases?** The nominee has stated that this very well-loved, well-used building that has enhanced village life for 140 years would cease.
- 3.12 **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 nominee has stated that it is located in the centre of our village within

easy walking distance of residents; they have the defibrillator sited there, there is the war memorial, and it will be a designated warm space. It is also the village disaster assembly point. The garden provides a safe, quiet place for reflection and contemplation. It is community meeting space and provides space for yoga classes.

- 3.13 **How is the asset regarded by the local community (community consultation, evidence of support)?** The nominee has stated that they have held two public meetings locally, having to hire a larger venue for the amount of people, circa 60, who wished to attend, two follow-up meetings have been held within the month and we have had no lack of support and offers of help from various professions within the village.
- 3.14 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 wellbeing or social interests of the local community.
- 3.15 The recent usage of St Andrew's Methodist Church and land would suggest that it would seem reasonable that there can continue to be non-ancillary use of the asset which will further (whether or not in the same way as before) the social well-being or social interests of the local community since there are examples of similar and comparable assets serving these interests elsewhere in the Borough. The recent enhancements to the garden are also providing a place for mental health wellbeing as well as reducing social isolation. There is also interest of a local nursery to use it during the day.

4.0 RELEVANT RISKS

- 4.1 The Council has a legal duty to comply with the legislation relating to Assets of Community Value within the timescales specified in the Localism Act.

5.0 ENGAGEMENT/CONSULTATION

- 5.1 Two public meetings have been held, together with two follow up meeting which have been attended by around 60 people.

6.0 FINANCIAL IMPLICATIONS

Name & Title: Tim Willis, Director – Resources & Section 151 Officer
Tel & Email: 01277 312500 / tim.willis@brentwood.rochford.gov.uk

- 6.1 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 multiply claims in any one year. The Department for Communities and Local Government has issues 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.

6.2 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.

6.3 The current balance in the Community Rights to Bid reserve has a balance of £37,644.

7.0 LEGAL/GOVERNANCE IMPLICATIONS

Name & Title: Claire Mayhew, Acting Joint Director – People & Governance & Monitoring Officer

Tel & Email 01277 312500 / claire.mayhew@brentwood.rochford.gov.uk

7.1 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

8.0 EQUALITY & HEALTH IMPLICATIONS

Name & Title: Kim Anderson, Corporate Manager - Communities, Leisure and Health

Tel & Email 01277 312500 / kim.anderson@brentwood.gov.uk

8.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful.
- b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- c) Foster good relations between people who share a protected characteristic and those who do not, including tackling prejudice and promoting understanding.

8.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

8.3 The proposals in this report will not have a disproportionate adverse impact on anybody with a protected characteristic.

8.4 The Localism Act provides equal opportunity for local communities to nominate assets that are important to them.

9.0 ECONOMIC IMPLICATIONS

Name & Title: Phil Drane, Director - Place

Tel & Email: 01277 312500 / phil.drane@brentwood.rochford.gov.uk

9.1 There are no direct economic implications.

REPORT AUTHOR:

Name: Kim Anderson

Title: Corporate Manager, Community, Leisure and Health

Phone: 01277 312500

Email: kim.anderson@brentwood.gov.uk

APPENDICES

Appendix A: Nomination Form - Asset of Community Value

Appendix B: Site Plan of nominated land -St Andrew's Methodist Church

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

Appendix D – Additional supporting Information

BACKGROUND PAPERS

Localism Act 2011 – Assets of Community Value

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	



Reference: ACVN-546866783

Assets of Community Value Nomination

Name of your organisation: Herongate and Ingrave Preservation Society

organisationAddress:

Address	

Name of contact [redacted]

Phone number: [redacted]

Email address [redacted]

Are you an incorporated organisation?: No

What type of organisation are you?: Charity

Registration number(s): 289012

If your organisation carries out activities for profit, please describe below how you use the surplus that is generated: No

If you are an unincorporated organisation please, describe below what provisions are made for community benefit in your constitution: To promote high standards of planning and architecture in or affecting the area of benefit; to educate the public in geography, history, natural history and architecture of the area in benefit; to secure the preservation, protection, development and improvement of features of historic and public interest in the area of benefit.

Please describe how your organisation has a local connection to the area where the asset has been identified: The charity is based in Herongate and Ingrave.

Please provide information below which supports your nomination having regard to the test set out above: Up until July 2023 the Methodist church held regular services for the residents, the gardens have allotments that are well-used by the residents and the community garden has the added attraction of being used for mental health and wellbeing.

Do you have any further information on the numbers of people that currently use the facilities, and the various clubs etc. that are based there so we can determine how well

the asset is currently used?: The Methodist church has now ceased its operations which then allows for the residents to now fully utilise the premises for the villagers. To date, there are 15 users of the allotments, it's a drop-in centre for the community gardens which number upwards of 30 people, up to 30 visitors on open days, as well as the yoga group of 15 people, various other groups including the local rambling groups, meeting centre for the Parish Council and the Herongate & Ingrave Preservation Society. Now regular services are not being held, it is our intention to invite all faiths to utilise our space.

How do you think the Asset further the social wellbeing of the local community?: It is located in the centre of our village within easy walking distance of residents; we have the defibrillator sited there, there is the war memorial and it will be a designated warm space. It is also the village disaster assembly point. The garden provides a safe, quiet place for reflection and contemplation.

What would be the impact if the function of the asset were to cease?: A very well-loved, well-used building that has enhanced village life for 140 years would cease.

How well is it regarded by the local community? Has there been any consultation, or do you have any evidence of support from the community for this nomination?: It is well-regarded. We have held two public meetings locally, having to hire a larger venue for the amount of people, c60, who wished to attend, two follow-up meetings have been held within the month and we have had no lack of support and offers of help from various professions within the village.

Description of the nominated land including its proposed boundaries: The land has a natural boundary being encircled on all sides by the Brentwood Road, the Billericay Road and Rectory Lane. It includes the allotments, the community garden and the building itself which is a 19th Century weather-boarded chapel that was owned by the Anglican Diocese, then 40 years ago was purchased by the Methodist Church for £1300.

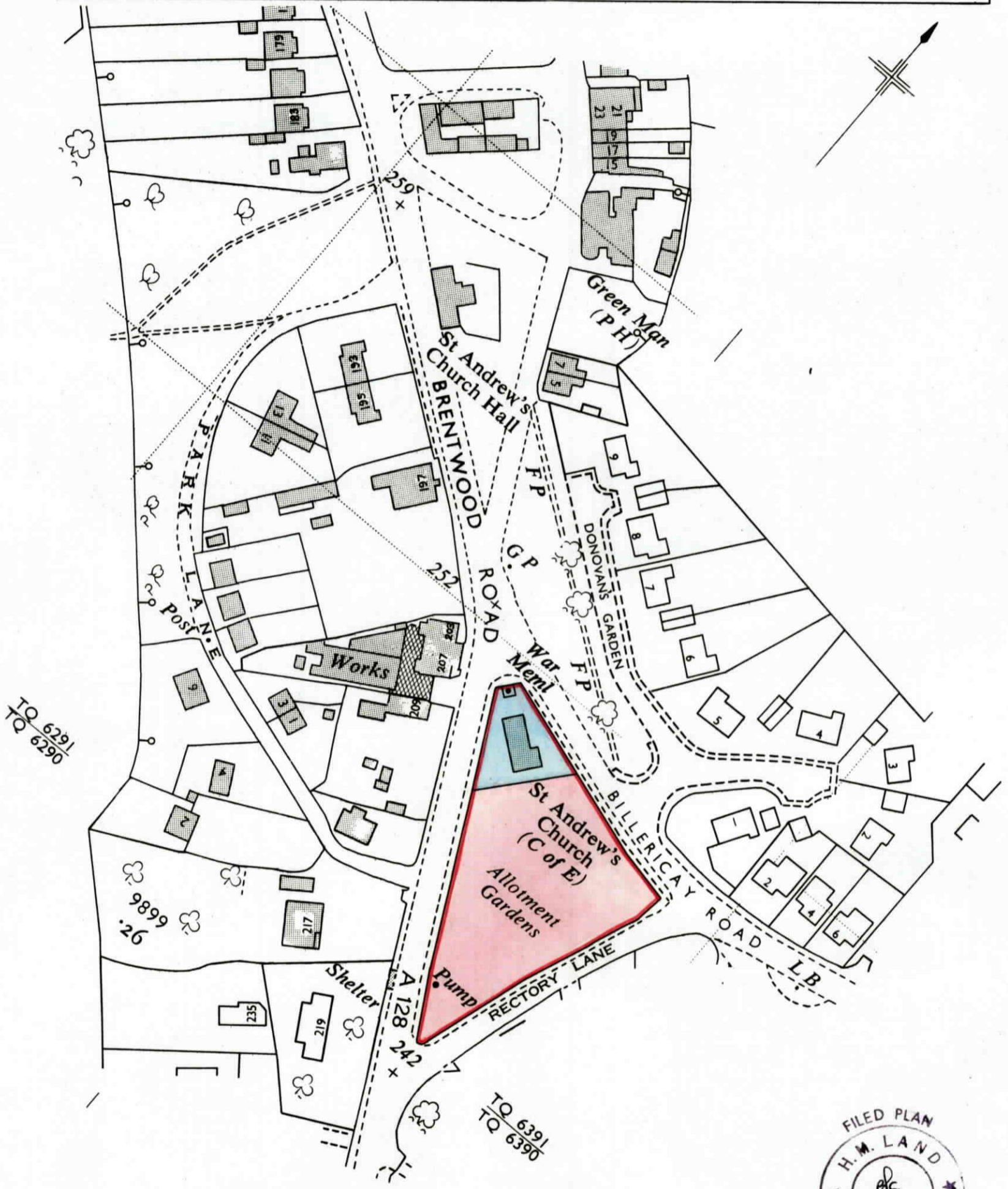
Name and address of current occupants of land: The Methodist Church of Great Britain, Billericay.

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

Site map plan: The triangle marked in red.jpg

Other documents: St Andrews Church Hall 2 - 130723.jpg

Appendix B H.M. LAND REGISTRY		TITLE NUMBER	
		EX200733	
ORDNANCE SURVEY PLAN REFERENCE	COUNTY	SHEET	NATIONAL GRID
	ESSEX		TQ 6291
Scale: 1/1250 Enlarged from 1/2500		BRENTWOOD DISTRICT	SECTION H
			©Crown copyright 1974



This is a print of the view of the title plan obtained from HM Land Registry showing the state of the title plan on 12 September 2023 at 14:04:54. This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

This title is dealt with by HM Land Registry, Peterborough Office.

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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** The local authority must inform the landowner that a nomination has been received.
- 1.5** 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.
- 1.6** If the authority refuses the nomination they must provide written reasons why it has been refused.
- 1.7** 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).
- 1.8** 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.
- 1.9** 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.
- 1.10** 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.
- 1.11** If the review upholds the listing the owner may appeal to the First Tier Tribunal.

Provisions under the Localism Act 2011 relating to Assets of Community Value

- 1.12** 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.
- 1.13** Assets must be removed from the list after 5 years. Prior to removal officers must write to interested community organizations. Community groups may nominate the asset for re-inclusion on the list.
- 1.14 Disposal of a listed asset**
- 1.15** If an asset is listed, the owner must notify the local authority of any proposed to make a relevant disposal.
- 1.16** 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.)
- 1.17** 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.
- 1.18** 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.
- 1.19** The asset may be sold to a community group during this 6 month moratorium.
- 1.20** There is no community right to buy the asset, just to bid. 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. This means that the local community bid may not be the successful one.
- 1.21** The owner is also at liberty to negotiate a sale with a preferred buyer during the moratorium period: but the sale cannot be **concluded** during that period.

Provisions under the Localism Act 2011 relating to Assets of Community Value

- 1.22** Where the sale of an asset has been announced but not yet concluded, it is still possible for a group to seek to list it. If a sale is agreed before the asset appears on the list, there would be no opportunity for a group to put in a bid; but if the asset is listed before a sale is agreed, the moratorium provisions still apply.
- 1.23** 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.
- 1.24** 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.
- 1.25** 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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Appendix D

To whom it may concern,

My name is Amy Horrocks, I am currently running the community garden. The garden is extremely important in our community and to the volunteers that help run it. It is a vital resource to our community especially utilised during COVID as a space for people to meet and socialise. The garden also provides a great way for people to get outdoors and spend time in nature which is excellent for the communities mental and physical health. Additionally, the garden is a habitat for bees, robins, sparrow, blue-tits and even ducks and fish. Hundreds of creatures rely on the maintained space for their nests and food. During this climate crisis the garden is one cog in a larger machine helping to reduce our greenhouse gasses and ensure the safety of our planet.

At the beginning of the season, I had a meeting with Jennie to discuss the garden restarting, she explained how most of the volunteers we had last year had moved on to different things, so I asked around and in the last three months have managed to secure over 14 volunteers to rebuild the garden's base. This is bigger than it ever has been and yet I am still hoping to expand it. We are in the early stages of planning an open day either in the summer or during harvest. I also have plans for a Peter Rabbit nature trail which me and Jennie discussed last year but never got to complete. With these projects just around the corner, loosing the garden would be a waste of an important area in the community.

The garden is a place of peace and tranquility which supports the health and wellbeing of the community. I for one have been greatly impacted by the garden itself and the healing powers of the great outdoors. Before I started going to the garden in 2018 my mental health was in ruins. The garden helped me overcome many things and gave me a purpose and passion for something which enabled me to move forward. Without the garden, I don't know where I'd be today and losing it could be detrimental to the health of the community as a whole, both physically and mentally. I know many other people who have been saved by the garden which has repaired relationships and helped people finally find peace.

The legacy the garden holds is also extremely important. Anne and David built the garden up from an overgrown wasteland to what you see today. After their retirement I believe the garden is an important way of showcasing their impact on our community and keeping their spirit alive. They were aided by Martin, David and Linda, all of whom have since passed on. They were loving, kind and caring people who cared for their community and the garden. Martin and I dug the pond and during COVID he and his wife would watch the robins in the wildlife area. After his death a memorial was placed with his fork and a robin on top. I have plans for similar memorials for both Linda and David. This is another reason why the garden is so important. The legacy it holds binds our community and provides a way of remembering those who are no longer with us.

In the future we are not only looking to expand our volunteers with open days, and events both within the community and nationally with the RHS. We also are hoping to create a Peter Rabbit mosaic trail as I mentioned before which should be ready for the next season. But we are also hoping to branch out with different groups meeting for mental health resources, educational

purposes and physical fitness. We have already added another day to our calendar to tackle the ever-growing plants in the garden to guarantee it is ready to be used by all creatures and ages.

Thank you so much for taking the time to hear about what the garden means to me and my community. We hope you will come to the right decision, whatever that may be.

Yours sincerely,

Amy Horrocks