

CABINET

12 JULY 2017

FAIRFIELD POST OFFICE AND GENERAL STORES, 81 STOURBRIDGE ROAD, FAIRFIELD, BROMSGROVE B61 9LY

Relevant Portfolio Holder	Councillor Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford – Head of Planning & Regeneration
Wards Affected	Belbroughton and Romsley
Key Decision – N/A	

1. SUMMARY OF PROPOSALS

To consider a request to list Fairfield Post Office and General Stores, 81 Stourbridge Road, Fairfield, Bromsgrove B61 9LY as an Asset of Community Value.

2. RECOMMENDATIONS

That Cabinet consider the contents of the report in relation to Fairfield Post Office and General Stores, 81 Stourbridge Road, Fairfield, Bromsgrove B61 9LY and decide to either:-

- (a) Support listing as an Asset of Community Value; or**
- (b) Not support listing as an Asset of Community Value**

3. KEY ISSUES

3.1 As Members are aware from previous reports the Localism Act included the 'Community Right to Bid' which gave communities a right to identify a building or other land that they believe to be of importance to their community's social well-being so that if it comes up for sale there is a six month period within which they can prepare their bid to buy the asset. The property in question can then be sold on the open market. Community groups have the same rights as any other bidders but there is no preference given to the local community bid.

3.2 A nomination has been received for the Fairfield Post Office and General Stores, 81 Stourbridge Road, Fairfield, Bromsgrove B61 9LY. The nomination has been submitted by Belbroughton and Fairfield Parish Council. The nomination of an asset does not give any organisation an advantage in any future purchase. Belbroughton and Fairfield Parish Council is requesting that the Fairfield Post Office and

General Stores is listed to enable it to continue to operate as community asset in the future.

- 3.3 The following documents have been submitted by Belbroughton and Fairfield Parish Council in support of the nomination and are attached at Appendix 1:-
- Nomination Form – Appendix 1 and attachments including a location plan
- 3.4 The nomination supports the inclusion of the asset due to the fact that Fairfield Post Office and General Stores provides a number of services that they believe further the social wellbeing and interests of the local community. These are detailed in section B4 of the nomination form attached at Appendix 1.
- 3.5 Fairfield Post Office and General Stores, 81 Stourbridge Road, Fairfield, Bromsgrove B61 9LY is owned by Kalmaljit Ohri, Sandeep Ohri and Rajveer Viridi. A consultation letter has been sent to the land owners and they have been phoned but no response has been received to date. The owners have two weeks to make comments and were consulted on 4 July. The Head of Planning and Regeneration will consider comments received before making a decision in consultation with the relevant portfolio holder. The current view of the Head of Planning and Regeneration is that the building currently fulfils a community function and that this could realistically continue in the future.
- 3.6 In accordance with the process for nominations of Assets of Community Value the ward councillors for Belbroughton and Romsley Ward Councillors Margaret Sherrey and Chris Allen-Jones has been consulted and have indicated support for the nomination.

Financial Implications

- 3.7 Property owners who believe they have incurred costs as a result of complying with these procedures can apply for compensation from the Council. As previously reported to Council, Government recognises this as a potential risk to local authorities and will provide a safety net whereby any verified claims of over £20,000 will be met by Government. The owners also have a right to appeal the decision made by the Council in agreeing that the building be included on the Assets of Community Value.

Legal Implications

- 3.8 The Localism Act 2011 made provision for a new system of listing of assets of community value, giving community groups the right to make

nominations, and requiring local authorities to maintain local registers. Further more detailed rules around the operation of assets of community value are set out in the Assets of Community Value Regulations 2012.

- 3.9 The test for listing an Asset of Community Value as set out in Section 88 (1) of the Localism Act 2011 is as follows:-

“A building or other land in a Local Authority’s area is land of community value if in the opinion of the authority:-

- (a) an actual current use of the building or other land that is not an ancillary user furthers the social well-being 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 well-being or social interests of the local community.”

- 3.10 It is worth noting that any sale of a going concern business would be exempt from the legislation relating to assets of community value. Therefore if the pub was to be sold on as a going concern the 6 month moratorium would not apply.

- 3.11 Members are reminded that under the process for assets of community value introduced in November 2012 the final decision regarding whether to list an asset rests with the Head of Planning and Regeneration in consultation with the Portfolio Holder for Planning and Regeneration.

- 3.12 Officers would draw Members attention to the following:-

- There has to be an identifiable local interest in having the asset nominated and Members needs to be satisfied that there is evidence of this in the application form.
- Each ACV application must be judged on its own merits and if it meets the statutory criteria, be listed. It is not a relevant consideration that there may be a number of other similar properties nearby which may also satisfy the test.

Service/Operational Implications

- 3.13 There are no specific operational implications for the District. The list of nominated assets is maintained by Land Charges officers and is available on the Councils Website.

Customer / Equalities and Diversity Implications

- 3.14 The approval of the nomination of Fairfield Post Office and General Stores would ensure that should the property be declared for sale any community group would be able to express an interest in purchasing the asset. This would result in up to 6 months of moratorium whereby any sale could only be to a community group. Following this the owner can sell to any purchaser. This excludes the sale as a going concern.

4. RISK MANAGEMENT

- 4.1 The register will be maintained to ensure that all assets nominated are included to mitigate any risks associated with assets not being included on the register. Consideration by officers and members will be undertaken at each nomination to ensure a consistent approach is taken.

APPENDICES

Appendix 1 - Nomination Form and attachments.

AUTHOR OF REPORT

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