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**Report title**

Relevant Portfolio Holder	Councillor Phillip Thomas
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford – Head of Planning, Regeneration and Leisure Services
Report Author	Job Title: Clare Flanagan Contact email: clare.flanagan@bromsgroveandredditch.gov.uk Contact Tel: 01527 64252 Extn 3173
Wards Affected	Belbroughton and Romsley
Ward Councillor(s) consulted	Yes
Relevant Strategic Purpose(s)	An Effective and Sustainable Council
Key Decision / Non-Key Decision – N/A	
If you have any questions about this report, please contact the report author in advance of the meeting.	
This report contains exempt information as defined in Paragraph(s) of Part I of Schedule 12A to the Local Government Act 1972, as amended	

**1. 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**

**2. BACKGROUND**

- 2.1 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.
- 2.2 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.

- 2.3 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 and location plan**
- 2.4 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.
- 2.5 Fairfield Post Office and General Stores, 81 Stourbridge Road, Fairfield, Bromsgrove B61 9LY is owned by three private individuals. A consultation letter has been sent to the owners and the following response has been received:-
- 2.6 “The Post office and general store had ceased trading since October 2021 and that there is no community interest in the property anymore so he will be supporting the application”

On enquiry as to whether the café at the property was still operating, the owner responded: “The café is currently operational, however there is only one year remaining of the lease and the current owner has said that the community doesn’t provide enough business for her to remain open, therefore we expect the lease to not be renewed.

The café has changed ownership three times in the last three years, if this lease is not renewed, we will shut the café down.”

- 2.7 The Head of Planning and Regeneration will consider comments received before making a decision in consultation with the relevant portfolio holder and following legal advice on whether the current activities at the property meet the statutory test set out below.
- 2.8 In accordance with the process for nominations of Assets of Community Value the ward councillors for Belbroughton and Romsley Ward Councillors Margaret Sherrey and Karen May has been consulted and have indicated support for the nomination.

**3. FINANCIAL IMPLICATIONS**

- 3.1 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.

**4. LEGAL IMPLICATIONS**

- 4.1 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. Furthermore detailed rules around the operation of assets of community value are set out in the Assets of Community Value Regulations 2012.

- 4.2 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.”

- 4.3 The legal assessment on the activities currently taking place at the property indicate that they are not ancillary because the rest of the business is no longer operational and although part of the property is not in use does not prevent the whole of the property being listed.
- 4.4 It is worth noting that any sale of a going concern business would be exempt from the legislation relating to assets of community value.
- 4.5 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.

4.6 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.

**5. STRATEGIC PURPOSES - IMPLICATIONS**

**Relevant Strategic Purpose**

5.1 The Council manages the assets of community value regime under the Localism Act 2011. This helps the Council be an effective and sustainable organisation.

**Climate Change Implications**

5.2 None directly from this report.

**6. OTHER IMPLICATIONS**

**Equalities and Diversity Implications**

6.1 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.

**Operational Implications**

6.2 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.

**7. RISK MANAGEMENT**

7.1 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.

**8. APPENDICES and BACKGROUND PAPERS**

Appendix 1 - Nomination Form and attachments.

**BROMSGROVE DISTRICT COUNCIL**

**Cabinet**  
2022

14 September

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**9. REPORT SIGN OFF**

<b>Department</b>	<b>Name and Job Title</b>	<b>Date</b>
Portfolio Holder	Councillor Phillip Thomas	
Lead Director / Head of Service	Ruth Bamford	
Financial Services		
Legal Services		
Policy Team (if equalities implications apply)	N/A	
Climate Change Officer (if climate change implications apply)	N/A	