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22 January 2015

Colin Sweeney
Democratic Services,
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Dear Mr Sweeney

Cabinet Friday 23rd January 2015, Agenda Item A9 - Ardleigh Hall Leisure and Squash Club

I refer to the above and to the content of the Officers report.

Whilst as landowners we were notified and as such, aware of the nomination of the site for consideration as an Asset of Community Value in December 2014, we have only been aware of the Officers' report for a day or two and have not had sufficient notice to consider the content of that report, to allow us to make considered representations.

It is not clear from the report whether the land or building concerned needs to meet all of the selection criteria or whether it simply needs to meet one criterion to be acceptable. The Club closed last year having sustained continued financial losses over a number of years. The root cause for that decline was due to the lack of paying members derived from the local community. Officers appear to have concluded that the site has a realistic prospect of returning to a viable community leisure use, yet have not provided any evidence, which provides compelling reasons for having such confidence. Surely, it is not enough to just say that it appears realistic. Recent discussions with would be operators of the Club going forward, have demonstrated to us that the likely prospect of a return to a leisure use is somewhat bleak.

As owners, we understand the implications of the land finding its way onto the list of Community Assets. We are generally content and have an open mind about that prospect. Our concern is that we have had little time to analyse the Committee Report and the Officer's views, and no time to take professional advice on the Officer's findings. It does seem reasonable therefore for us to seek to delay the process, rather than blindly let it continue without challenge.

To this end, we respectfully request that this item is withdrawn from the agenda to allow more time for us to absorb the views of Officer's and take appropriate advice.

If the Committee Clerk or Chairman is unwilling to withdraw the item then we would expect some written explanation for this, and at the very least for this letter to be circulated to all Members, so if they felt it appropriate, they could resolve to defer this item to a later meeting.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'ROSS BAIN', with a stylized, overlapping structure.

Ross Bain



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22 January 2015

Our Ref: ARW/arw

Dear Mr Bain

Assets of Community Value: Consideration of the Nomination of Ardleigh Hall Leisure and Squash Club

Thank you for your emails to Mr Sweeney this morning. As you request, I will use the second version of the letter that you sent. Thank you also for your telephone call yesterday.

I have considered the content of your letter. I will provide copies of it, and of this reply, to our members at their meeting tomorrow. I do not propose to recommend to members that a decision is delayed, although ultimately this is a decision for the Cabinet. My reasoning is as follows:

1. The Council is expected to deal with nominations within an eight week timeframe, which has already been exceeded.
2. You were notified of the nomination, provided with a copy of the nomination and information on the legislation over a month ago.
3. The opportunity to comment or make representations is related to the nomination and the legal criteria rather than on the officers' report.
4. The law and the Council's procedure include a right for owner(s) to seek a review if they consider that a misjudgement has been made.
5. There is a further right of appeal after a review as above.
6. There is nothing in your letter which makes me think that the recommendation is incorrect.

To explain my view in point 6 above:

The legislation provides that an asset should be placed on the list if it has recently provided a community benefit and it is reasonable to think that it may do so again.

1. It is not disputed that the asset nominated was used until last year for playing squash and for other leisure activities.

When we spoke yesterday you emphasised that it operated as a private members' club and you considered therefore that it did not represent a community use. However the opening words of the government guidance are:

“From local pubs and shops to village halls and community centres, the past decade has seen many communities lose local amenities and buildings that are of great importance to them.”

It is therefore my view that the legislation is intended to apply to private sector, commercial, voluntary and public sector property equally.

I do not think that it is conclusive to consider whether the public paid for the use of the premises on an ad-hoc basis or by way of a subscription or membership fee.

It seems clear therefore that a sports facility was open to the public until quite recently and therefore there was a community value.

2. When we spoke yesterday you advised that you are prepared to grant a lease of the property for it to run as a club as before, that there has been some interest, that you are in discussions with a specific individual and have invited the Parish Council, or a local group who they are in contact with, to make an offer.

The guidance that you have seen referred to in the report points to the need to take a balanced view on whether a former use could be resumed. In this case the use has ceased relatively recently, the buildings remain, albeit in need of cleaning and some repair, and there seems to be some interest in restarting the club.

It therefore appears to me that it is realistic at this stage to think that another person or group with a fresh business model or idea could seek to run the facility once more. Clearly this might change in the future if the property changes or if it is conclusively shown that the use cannot be sustainable.

Accordingly it still appears to me that the criteria are met: “The main use of the land or building furthered the social wellbeing or social interests of the local community in the recent past AND it is realistic to think that this could again happen in the next five years (even if the type of social use or benefit might change).”

I am sorry that this is not the result that you hoped for. But I hope you can understand that the council is required to fairly implement the legislation.

Yours faithfully

Andy White
Assets Manager