

**Application Number:** 20/002

**Nominated Asset:** Oxford Deaf and Hard of Hearing Centre

**Site Address:** 10 Littlegate Street, St Ebbe's, Oxford, OX1 1RL

**Ward:** Carfax

**Applicant:** Trinity Church Oxford

**Recommendation:** The Head of Planning, Sustainable Development and Regulatory Services is recommended to:

1. Agree that the Nominated Asset **should not** be confirmed as an Asset of Community Value

**Background to Report.**

1. The Localism Act and the Assets of Community Value Regulations set out the opportunities and procedures to follow for communities wishing to identify assets of community value and have them listed.
2. The City Council is able to list a nominated asset if, in its, opinion:

*An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community; AND*

*Is it realistic to think that there can continue to be non-ancillary use of the building or other land that will further (whether or not in the same way) the social wellbeing or social interests of the local community.*

**OR**

*There is a time in the recent past when an actual use of the building or other land that was not ancillary use furthered the social wellbeing or interests of the local community; AND*

*It is realistic to think that there is a time in the next five years when 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.*

3. These definitions have been taken from the Government's Regulations. There is no national guidance as to what the key terms in these definitions mean. It is for the nominating organisation in the first instance to argue why it considers the nominated asset meets the definition in the Regulations.

4. If the owner objects to their property being placed on the List, they have a right in the first instance to an internal review by the City Council of this decision.

## **Nomination**

5. Trinity Church Oxford submitted a nomination of The Oxford Deaf and Hard of Hearing Centre (DHHC) for inclusion as an Asset of Community Value. The nomination letter was received by Oxford City Council via an email on 19 May 2020. The submitted plan of the nominated area is attached to this report.
6. Trinity Church Oxford has argued that the Centre is an asset of community value on the following grounds:
  - a. The DHHC is used regularly and primarily by several charities and different deaf community groups to provide essential services to the deaf and hard of hearing. It is also used as a weekly venue for public worship gatherings and as a regular venue for hire for organizations, community gatherings, public meetings, artists, functions, and concerts. It remains the only available local hire facility for affordable and small-scale public and private gatherings.
  - b. The DHHC has provided deaf and hard of hearing services to the local community and has been used consistently as a hired venue from its inception in the 1960s until the recent pending sale and transition to being closed (April 2020).
  - c. Community organizations and members of the community should have an opportunity to consider the possibility of making a competitive bid for the sale of the centre. Depending on the outcome and arrangement of a potential sale, currently stopped deaf and hard of hearing services and regular community venue hiring could resume immediately.

## **Response to consultation**

7. The registered owners of the premises are Deaf Direct Ltd who were notified of the nomination and invited to make representations. The Council learned from correspondence that Deaf Direct Ltd has merged with Action Deafness Ltd, with the latter submitting a representation on behalf of the trustees of the centre.
8. The owners have objected to the nomination. They have submitted representations and their objections are summarised as follows:
  - a. The centre has lost much of its *raison d'être* due to advances in technology.
  - b. The building is in poor overall condition, with several parts unfit for public use, and would require substantial investment to repair beyond the reach of the charity.
  - c. The number of regular uses are so low as to be unsustainable with respect to costs, particularly as other venues for hire are available nearby.

- d. The sale of the building to Pembroke College has already been agreed with completion only delayed due to the lockdown
- e. The running costs involved in holding onto the building for a further length of time are prohibitive and could potentially lead to insolvency of the charity.

## Assessment

9. Trinity Church Oxford is an England registered charity based in the same local area as the nominated asset. It is therefore an eligible body to make a community nomination in accordance with the Act and Regulations.
10. The building was acquired to benefit the county's deaf and hard of hearing community, as a space for face to face based social interaction and support. The use of technology is said to have supplanted the need for the type of face to face interaction and support that formed the basis of the centres initial establishment. The charity has stated that arrangements have been made to continue the provision of British Sign Language (BSL) courses and practical support in nearby alternative locations.
11. The owners have disputed the frequency and number of regular users asserted by the nominator. Whereas the nomination states that there are 30 regular users, the owners state that their records show only 8 organisations using the site weekly, monthly or quarterly during 2019. They further state that no events such as concerts, book launches or wedding receptions have been held at the centre throughout 2019. There are other alternatives for groups that require meeting and event spaces locally and around the city.
12. The DHHC is currently based in a centrally located grade II listed building. The owners have however described the building fabric as being in poor overall condition with high running costs and several parts deemed to be unsafe for public access. The low pricing levels cited in the nomination for space rentals have been attributed as being in line with what can be chargeable for a building in its current state. While this has been beneficial for less affluent organisations, the derived income is not considered by the owners to finance ongoing upkeep or meet the cost of essential renovations to meet Health and Safety compliance. The implication is that pricing levels would inevitably rise once the essential building renovations have taken place. The charity have stated that a corollary of listing the premises and the likelihood of the sale falling through or a moratorium imposed would be further expenditure owners have detailed the precarious financial position this can put the charity, with implications going as far as insolvency.
13. There are no restrictions in the Act or the Regulations that would prevent the nomination of an asset while it is in the process of a sale or has had its ownership transferred. However the regime only imposes a moratorium when the owner of an asset wishes to dispose of the property, and community groups are not given a right of first refusal, mandatory concessionary terms or powers to compel a sale or force a negotiation on an owner. The trustees have further

reported that in compliance with charity law they have sought best value for the premises, and in the process have provided opportunities for an acceptable counter offer to be submitted which has not been forthcoming. It is therefore considered that the possibility of a competitive bid for the site from community groups is unlikely to arise.

## **Conclusion**

14. The DHHC is not as vital in importance to the support of the deaf and hard of hearing community as it was at its establishment and in-person services can and are being provided elsewhere while the building is closed.
15. The suitability of the site as a venue for meetings and events is questionable due to the poor state of the building fabric and compliance to health and safety standards is likely to require significant expense. The nomination has not provided clear evidence for a local group that could realistically table a competitive bid to purchase the site and undertake necessary renovations. It is therefore unlikely that the premises could be utilised in a meaningful way for community benefit in the foreseeable future.
16. The balance of probability is that the financial burden maintaining the building for a prolonged period of time could be a contributory factor to putting the solvency and capacity of the charity in jeopardy. This would have a knock on effect that could adversely impact the provision of services and support to the deaf and hard of hearing community, which is already disadvantaged in a number of ways. It is considered that the harm that would arise from the loss or reduction of these services would be felt widely across the county and would outweigh the benefits of listing the building as a community asset.
17. It is therefore the opinion of the Council that the Oxford Deaf and Hard of Hearing Centre should not be included on the list of Assets of Community Value.

## Decision

**I confirm that:**

**Nominated Asset:** Oxford Deaf and Hard of Hearing Centre

**Site Address:** 10 Littlegate Street, St Ebbe's, Oxford, OX1 1RL

**Should not be listed** as an Asset of Community Value and should not be included on the City Council's Register of Local Assets of Community Value Register.

**Name:** Adrian Arnold  
**Title:** Head of Planning Services

**Signature:**



**Date:** 13<sup>th</sup> July 2020

**Background Papers:** Nomination application, letters from the registered owners.

**Contact Officer:** Arome Agamah

**Extension:** x2360

**Date:** 13<sup>th</sup> July 2020

