

Report of the Strategic Director of Regeneration and Culture to the meeting of Bradford West Area Committee to be held on 12 November 2014

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Subject:

Nomination to list land as an Asset of Community Value - The Former Register Office, Manor Row, Bradford

Summary statement:

The Council has received a nomination to list land and property known as the The Former Register Office, Manor Row, Bradford as an Asset of Community Value under the Localism Act 2011. This report considers whether the nomination and nominated asset meet the Asset of Community Value Criteria set out in the Localism Act and contains a recommendation as to whether or not the nomination should be approved.

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Overview & Scrutiny Area:



Suzan Hemingway, City Solicitor

1. SUMMARY

- 1.1 The Council has received a nomination to list property known as the The Former Register Office, Manor Row, Bradford as an Asset of Community Value under the Localism Act 2011. This report considers whether the nomination and nominated asset meet the Asset of Community Value Criteria set out in the Localism Act and contains a recommendation as to whether or not the nomination should be approved.

2. BACKGROUND

- 2.1 The Community Right to Bid provisions of the Localism Act 2011 came into effect on 21st September 2012. The purpose of the provisions is to allow communities time to prepare bids for land and property assessed as being of benefit to the community when those assets come up for disposal.

2.2 The Community Right to Bid

- 2.2.1 Local community groups and parish councils are able to nominate privately and publicly owned land and property for inclusion on a list of assets of community value. The list is maintained by CBMDC which is also responsible for managing the process for determining whether a nomination of a property as an asset of community value is successful. At its meeting of 6th November 2012 the Executive resolved that the determination of nominations to list land and property as Assets of Community Value should be devolved to Area Committee.
- 2.2.2 The listing of land or property as an Asset of Community Value has the effect of preventing owners from disposing of their listed property without first notifying the Council of their intention to sell. The notification of intention to sell triggers a six week moratorium on disposal during which local community groups and parish Councils are able to express an interest in bidding for the property. If no expressions of interest are received the owner is free to dispose of his property at the end of the six week period. If an expression of interest is received the initial six week moratorium extends to six months to allow community groups and parish councils to prepare to bid for the property or to negotiate with the property owner. At the end of the six month period the property is removed from the list and the owner is able to sell the property to who ever he wants and by whatever means he wishes.
- 2.2.3 The Community Right to Bid provisions **do not**;
- Give community groups or parish councils a right of first refusal when listed land and buildings come up for sale.
 - Give community groups or a parish council the right to purchase land and property listed as assets of community value at a reduced price i.e., less than market value.
 - Compel a property owner to sell to a community group or parish council. Once the procedures set out in the Act are complied with property owners are free to sell their property to whomever they wish.
 - Restrict how a property owner can use their property.

2.3 Definition of an Asset of Community Value

- 2.3.1 The Act provides that land or property falls within the definition of asset of community value where its current primary use furthers the social wellbeing or social interests of the local community, **and** where it is realistic to think that this use will continue. Social interests include culture, recreation and sport. A property will also qualify when its main use in the recent past meets the definition, **and** it is realistic to think that its use may again fall within the definition within the next five years (whether or not in the same way as before).
- 2.3.2 Social interests include a) cultural interests; b) recreational interests; c) sporting interests. Wellbeing is the things that people value in their life that contributes to them reaching their potential (economic, social or environmental).
- 2.3.3 The Act sets out details of certain types of land and property which is exempt from the Community Right to Bid provisions.

2.4 Who can nominate an asset to be listed

- 2.4.1 Nominations to list an asset as being of community value can be made by;
- a local voluntary or community group that is [incorporated](#) – this means it has a separate legal status from its members
 - A local voluntary or community group that is [not incorporated](#) but has at least 21 members who appear on the electoral roll within CBMDC or a neighboring authority.
 - a parish council
 - Neighboring parish councils – if a parish council borders an unparished area it may nominate asset within that area.
 - Community interest groups with a local connection which has one of the following structures:
 - a) A charity
 - b) A community interest company
 - c) A company limited by guarantee that is non profit distributing
 - d) An industrial provident society that is none profit distributing.

For a local group to be able to nominate it must be able to demonstrate that its activities are wholly or partly concerned with the local authority area within which the asset is located or with a neighbouring authority (which shares a boundary with Bradford).

2.5 The Nomination

- 2.5.1 The nomination application is included at Appendix 1.
- 2.5.2 Officers have assessed the nomination and have found that -

Criteria	Finding	Comment	Criteria met?
The nominator eligible to nominate Assets of Community Value?	Yes		Yes
Is the nominated asset exempt from listing?	No		Yes
The land and buildings are used (and in the past 5 years) to further the social well-being and social interests of the local community (as defined by the Localism Act 2011) and this use is not ancillary.	No	The former use was operational providing a registration service for the district.	No
It is realistic to think that the building or land will continue to be used in a way which will further the social well-being and social interests of the community within the next 5 years.	No	There is no former community use to continue.	No

2.5.4 Accordingly the Council's Officers have assessed that the criteria for listing have been met and recommend that The former Register Office, Manor Row, Bradford **is not** listed as an Asset of Community Value.

3. OTHER CONSIDERATIONS

- 3.1 Property owners (but not occupiers) may appeal against the Council's decision to list their property as an asset of community value. In the first instance the property owner should ask the Council to review its decision. If the council upholds its decision to list the owner may appeal to the First-Tier Tribunal.
- 3.2 There is no provision within the Act for nominators to challenge a decision not to list a property or decision to remove a property from the list following a review. However, the Council will be required to provide nominators with reasons why their application is unsuccessful or why a property has been removed from the list.
- 3.3 As mentioned at 2.2.3 above the listing of land or property as an Asset of Community Value does not prevent a land owner from changing the use of the listed asset. The Act provides that a listed asset can be removed from the list if the nature of the asset changes so that it is unrealistic to expect it to be used for social, sporting, environmental benefits in the near future. An example of substantial change would be the progression of development works.
- 4 The listing of an asset is not retrospective and has no effect on binding agreements for sale already in place at the date of listing.

4. OPTIONS

- 4.1 **Option 1:** Accept the nomination on the grounds that it meets the criteria and definition of an Asset of Community Value as set out in the Localism Act 2011.
- 4.2 **Option 2:** Reject the nomination on the grounds that it does not meet the criteria and definition of an Asset of Community Value as set out in the Localism Act 2011.
- 4.3 Option 2 is the preferred option as the nominated land does not meet the criteria for listing set out in the Act.

5. FINANCIAL & RESOURCE APPRAISAL

The freeholder may seek compensation if losses are suffered as a result of the listing.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

None

7. LEGAL APPRAISAL

Land or property may only be listed as an Asset of Community Value where it meets the criteria and definitions set out in the Localism Act 2011.

Property owner's may appeal against the decision to list their property as an Asset of Community Value. In the first instance the decision to list the property will be subject to internal review within the council. If the council upholds the decision to list the owner may appeal to the First Tier-Tribunal.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

None

8.2 SUSTAINABILITY IMPLICATIONS

None.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

8.4 COMMUNITY SAFETY IMPLICATIONS

None

8.5 HUMAN RIGHTS ACT

None

8.6 TRADE UNION

None

8.7 WARD IMPLICATIONS

None

**8.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS
(for reports to Area Committees only)**

None

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

Recommended -

- 10.1 That in accordance with Option 2 the nomination of land and property known as The former Register Office, Manor Row, Bradford as an Asset of Community Value is not approved.

11. APPENDICES

Appendix 1 - Nomination form and Plan

12. BACKGROUND DOCUMENTS

Report to the Executive meeting of 6th November 2012; The Localism Act 2011 – The Community Right to Bid.

**Assessment of Validity – nomination to list land and property as an
Asset of Community Value under the Community Right to Bid. Localism
Act 2011**

Property Bradford Register Office

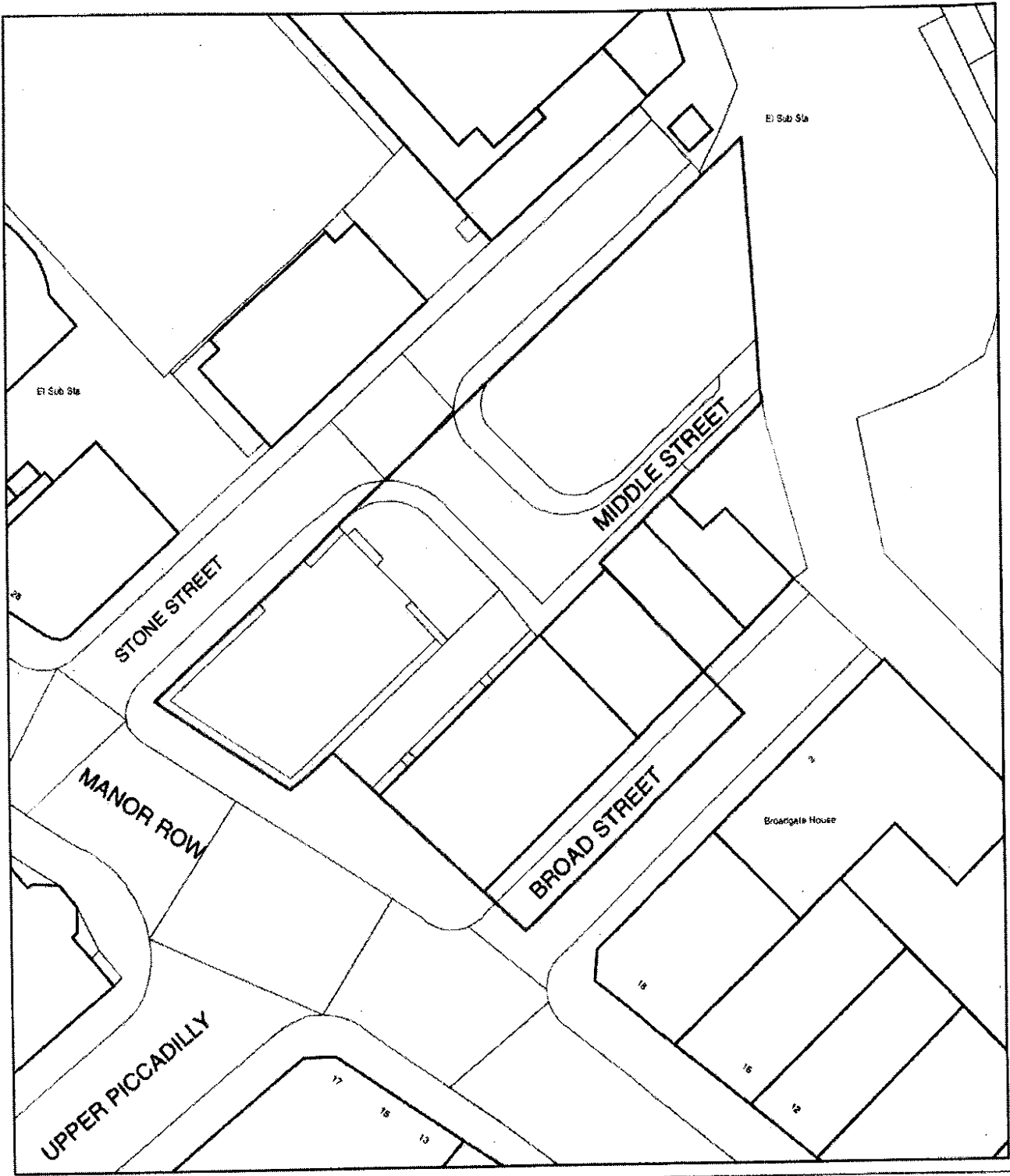
Nominator Bradnet c/o Asif Hussain, Noor House, 11 Bradford Lane,
Laisterdyke, Bradford

Test	Comments	Test met
<p>Eligible to nominate;</p> <p>Incorporated local voluntary group</p> <p>Unincorporated voluntary group with 21 members registered to vote locally</p> <p>Parish council</p> <p>Neighbouring parish council</p> <p>Community interest group with a local connection which is;</p> <ul style="list-style-type: none"> - a charity or, - a community interest company or - company limited by guarantee - an industrial provident society 	<p>Local charity that provides support across Bradford</p>	Yes
<p>Activities of the nominator are wholly or partly concerned with the Bradford District</p>		Yes
<p>Land and property exempt from listing?</p>	<p>Property was not in community use but was an operational building providing a registration service</p>	No

Assessment made by Andrew Horrocks and Carole Coates Date : 29.10.14



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Estate Management
www.bradford.gov.uk

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Crown Copyright, Reproduced from Ordnance Survey Mapping with permission from H.M.S.O. LA.076120 SE 1633	Scale: 1/500@A4	Date: 18-06-2014	Plan No.: DCB M-037-008 PI
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The Localism Act 2011 Community Right to Bid

Application to Nominate Assets of Community value



You will need to complete this application form if you wish to nominate an asset of community value for listing. The responses to the questions in your application will enable the Council to reach a decision about your nomination. In the event that the information you supply is insufficient to make a decision, your application will be rejected.

Before completing this application **please read** the information about the Assets of Community Value provisions available on the Council website at http://www.bradford.gov.uk/bmdc/leisure_and_culture/parks_and_open_spaces/assets_of_community_value

This information will help you to better understand whether the asset you propose to nominate meets with the definition of an 'asset of community value'. It also provides additional information about your rights to nominate and bid for assets as well as the rights of asset owners.

Your completed application should be sent to:

Assets of Community Value
The Operational Estate Manager
Estate Management
City of Bradford Metropolitan District Council
7th Floor Jacobs Well
Bradford
BD1 5RW

For information, the table below summarises the 'assets of community value' nominating and bidding process in four simple stages.

Stage one: Identify an asset for nomination

If an eligible community or voluntary group thinks that a local asset meets the definition of an 'asset of community value' they can fill in an application form and ask the Council to list the property as an 'asset of community value'. If the nomination meets the relevant criteria and is approved by the Council, the asset will be included on the list. A list will also be compiled for any unsuccessful nominations that do not meet the criteria.

Stage 2: The owner wants to sell their asset

If the owner wants to sell their asset they must notify the Council, which will then notify the community group that nominated the asset and publicise the proposed sale to the wider community. If within six weeks of informing the Council of their intention to sell their asset an eligible community interest group does not come forward, the owner is free to sell their asset for a period of eighteen months from the date that they notified the Council of their intention to sell the asset.

Step 3: A designated community group wants to bid for the asset

If an eligible community interest group *does* express an interest in bidding for the asset, this group or groups will be granted extra time to prepare a business plan and gather the finance needed to purchase the asset. All in all, the time-frame for groups to put together their bids is six months starting from the time the asset owner informs the Council of their intention to sell the asset.

Step 4: The point at which the asset is to be sold

The six month window of opportunity is only for eligible community interest groups to put their business plans together and gather necessary funding. Once the six month window has expired, the asset owner is free to sell their property to who they want. They are under no obligation to sell the asset to any eligible community interest group or groups who bid to purchase the asset.



Nomination Form

Ref.....
(for Council use)

Section 1: About You		
Title	Mr	
First Name	Asif	
Surname	Hussain	
Address	Noor House 11 Bradford Lane, Laisterdyke Bradford	
Postcode	BD3 8LP	
Telephone number	01274 224444 (ex 527)	
Email address	asif.hussain@bradnet.org.uk	
Your relationship to the nominating organisation	CEO	
Section 2: About your Organisation		
Please provide evidence that you are eligible to make a nomination. See the Appendix for information about who can nominate.		
2.1 Name of organisation	Bradnet	
2.2 Organisation type	Place a cross against all those that apply	Registration number of charity and/or company (if applicable)
Neighbourhood forum		
Parish Council		
Charity	X	1111920
Community interest company		
Unincorporated body		
Company limited by guarantee	X	05572861
Industrial and provident society		



2.3 Number of members registered to vote locally (unincorporated bodies)

N/A – Bradnet is a charity (reg no: 1111920 (registered 14/11/05)) and a company limited by guarantee (reg no: 05572861 (registered 23/09/05))

2.5 Local connection

Bradnet is based in Bradford and provides services to in excess of one hundred and fifty disabled people and their families throughout the Bradford Metropolitan District. We provide outreach support to an expansive number of families and extended families also located in the district. Therefore many of our service users, employees and volunteers live and work within the vicinity of the nominated asset. The opportunities that this facility and location provide in extending the community aspect of our support programmes are extensive and more significantly will enhance the very people we are supporting.

The imminent closure of a day care facility for people with disabilities and research with stakeholders including carers attending this centre evidence that they still need a hub to meet and have community, we could plan events, trips and social events that they have requested in part of the consultation with service users.

The nominated asset is situated within a densely populated area where many of our stakeholders have an active interest in the nominated asset. City CCG has 85% South Asian population who make up 75% of our service users demographic. Many of our stakeholders are from the minority ethnic communities and this is reflected quite significantly in the composition of the citizenship around the nominated asset namely Manningham.

2.6 Distribution of surplus funds (*applicable to certain types of organisations only*)

N/A

2.7 More about your organisation

Bradnet is a grassroots organisation which started in 1996. Our aim is “to empower all disabled people to have choice and control over their lives and achieve real independence and quality of life”. Bradnet is committed to the social model approach to disability, and supports the most disadvantaged people in the Bradford District to relieve the isolation and poverty affecting their lives. We are user-led with disabled people involved throughout the organisation.

Bradnet enables disabled people to lead their chosen lifestyle through:

Disability Outreach and Advocacy Service comprising

- Deaf Outreach
- Disability rights training
- Children/families Outreach
- Women Outreach
- Support into education and employment

Independent Living Service provides appropriate personal assistance through trained Personal Assistants comprising:

- Personal care
- Home support e.g. cooking, cleaning, writing letters etc
- Social inclusion.

Bradnet provides consultancy and research to agencies on disability and disability-related issues, and campaigns on issues that affect disabled people's lives.

3. Details of the land or building(s) that you are nominating.

See enclosed Estate Management Map from BMDC Website

Name of the asset	Bradford Registry Office
Address or location of the asset	22 Manor Row, Bradford BD1 5RQ.
Description of the asset and its boundaries	<p>The Register Office is a Grade II Listed Property (reference 36/138). Offering an internal floor area of 606 square metres, 6,525 sq.ft.</p> <p>The property benefits from two surfaced car parks for 34 cars, along with a small garden and paved area.</p>

4. Owners and others with an interest in the building or land

Please supply the following information. If any information is not known to you please say so.

Current owner's name and address (if known)	Bradford Metropolitan District Council City Hall Bradford BD1 1HY
Current leaseholder(s) name and address	
Names and addresses of all current occupants of the land	N/A

5. Reasons for nomination ; Why you think the land or building is of community value

The former Bradford Registry Office is an "asset of community value" because as a Registry Office it was a public building to register births, marriages and deaths; therefore it had a consistent and historical civic use. The building has been the focal point of many people's lives at various important stages of their lives and therefore is greatly cherished by all local citizens. Some of the most life-changing events took place in and around the registry office.

It is recorded in history that the registry held six hundred million records, many of those are still preserved in the archives of the building. When considering the density of that figure, it brings in to line the incredible impact this facility had in community terms and that some links with the current population exists.

The building has many prized features which lends itself for continued community use and as an historical landmark. The nominated asset is situated in an ideal location that is at the juncture of a primary city centre location and the commencement of a mix of residential and commercial buildings.

5.1 Does the use of the asset currently further the social wellbeing or social interests* of the local community, or has it done so in the recent past? If so, how?

Bradnet recognises that its situation is ideally suited for its services as well as for those of its partners. Many of our service users have great difficulty in accessing services and premises due to their disabilities and circumstances; the nominated asset is accessible by public transport and has adequate car parking for enabling the independence of disabled people. Internally the building is already accessible but only minor modifications will greatly enhance its wider utility.

Bradnet has obtained agreement in principle from other local groups who are interested in preserving the nominated asset's community value by delivering community services from the building. Thus the nominated asset will represent a hub of excellence in terms of a complimentary patchwork of services that is available to all citizens.

It is proposed that Bradnet will seek additional funding from English Heritage Lotteries to rejuvenate, enhance and sustain the building. We wish to protect its rich heritage and to build on that for future local people to derive benefit from its existence.

5.2 How could the building or land be acquired and used in future?

The building can be acquired by Bradnet and partners own funds and seeking social investment capital match and fundraising efforts.

It is proposed that the building will be actively used by citizens not only for the existing suite of services provided by Bradnet and its partners; but additionally we will ensure to maintain the building and keep it available for all local stakeholders through:

- Open days to raise awareness of key issues affecting local people
- Making facilities that have a real heritage value i.e. the internal rooms for local hire
- Working with the most disadvantaged to enable them to enjoy the rich internal features through planned tours and activities
- Enabling the delivery of particular events of local interest
- Encouraging active citizenship and engagement in running their own activities from the building
- Partnering with Bradford District Senior Power delivering a City centre venue for older

people groups to meet and develop.

- Registering venue as a function suite for special occasions for the community.

6. Submitting your nomination

6.1 What to include

- Your organisation's constitution, Articles of Association or Trust Deed (section 2.7)
- Your sketch plan of the asset that you are nominating (section 3).

6.2 Signature

By signing your name here (if submitting by post) or typing it (if submitting by email) you are confirming that the contents of this form are correct, to the best of your knowledge.

Signature:

A handwritten signature in dark ink, consisting of a stylized, cursive letter 'A' followed by a horizontal line extending to the right.

Date: 24.10.14