



Report of the Strategic Director Corporate Resources to the meeting of Shipley Area Committee to be held on 28th November 2018 at 6pm at Denholme Mechanics Institute.

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Subject:

Nomination to list property as an Asset of Community Value – Harden Memorial Hall, Wilsden Road, Harden, Bingley, BD16 1JP.

Summary statement:

The Council has received a nomination to list the property known as Harden Memorial Hall 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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Strategic Director, Corporate Resources

Portfolio:
Regeneration, Planning and Transport

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Overview & Scrutiny Area:
Corporate

1. SUMMARY

- The Council has received a nomination to list property known as **Harden Memorial Hall** 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

- 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.

3. OTHER CONSIDERATIONS

3.1 The Community Right to Bid

- 3.1.1 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 be devolved to Area Committee.
- 3.1.2 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 owner is able to sell the property to whoever they want and by whatever means they wish. If the property is not sold within 18 months of the notification of intention to sell the disposal process must start again. Once sold the property is removed from the list.
- 3.1.3 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.

3.2 Definition of an Asset of Community Value

- 3.2.1 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).
- 3.2.2 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).
- 3.2.3 The Act sets out details of certain types of land and property which are exempt from the Community Right to Bid provisions.

3.3 Who can nominate an asset to be listed

3.3.1 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 non 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).

3.4 The Nomination

- 3.4.1 The nomination application is included at Appendix 2.
- 3.4.2 Officers have assessed the nomination and have found that:

Criteria	Finding	Comment	Criteria Met?
The nominator is eligible to nominate Assets of Community Value?	Yes	The nominator is Harden Parish Council.	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 wellbeing and social interests of the local community (as defined by the Localism Act 2011) and this use is not ancillary.	Yes	For a number of years (exceeding 5) the building has been used for Parish Council purposes, i.e. as a public meeting place, a location for community engagement events, Neighbourhood Planning meetings and Neighbourhood Forums. It also provides pre and after school clubs, is a hub for a youth club and the gala committee.	Yes
It is realistic to think that the building or land will continue to be used in a way which will further the social wellbeing and social interests of the community within the next 5 years?	Yes	The building is set to continue in its current role, strengthened by the terms of a Community Asset Transfer, which is expected to complete in the near future.	Yes

3.4.3 Accordingly, Council's Officers have assessed that the criteria for listing have been met and recommend that **Harden Memorial Hall** edged red on the plans attached (Appendix 1) is listed as an Asset of Community Value.

3.5 Appeals & Listing

3.5.1 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.

3.5.2 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.

3.5.3 As mentioned at 3.1.3 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.

- 3.5.4 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. FINANCIAL & RESOURCE APPRAISAL

4.1 None.

4.2 A property owner has a right to compensation for losses incurred as a result of listing.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

5.1 None

6. LEGAL APPRAISAL

6.1 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.

6.2 Property owners 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.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

None

7.2 SUSTAINABILITY IMPLICATIONS

None.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

7.4 COMMUNITY SAFETY IMPLICATIONS

None

7.5 HUMAN RIGHTS ACT

None

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

There are no Community Safety, Trade Union or Ward Implications arising out of the recommendations in this report.

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

No specific implications

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

9.1 Option 1: Recommend that the Director of Corporate Resources accepts 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.

9.2 Option 2: Recommend that the Director of Corporate Resources 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.

10. RECOMMENDATIONS

Recommended –

That Option 1, to recommend that the nomination of the property known as Harden Memorial Hall, Wilsden Road, Harden, Bingley, BD16 1JP, be approved.

11. APPENDICES

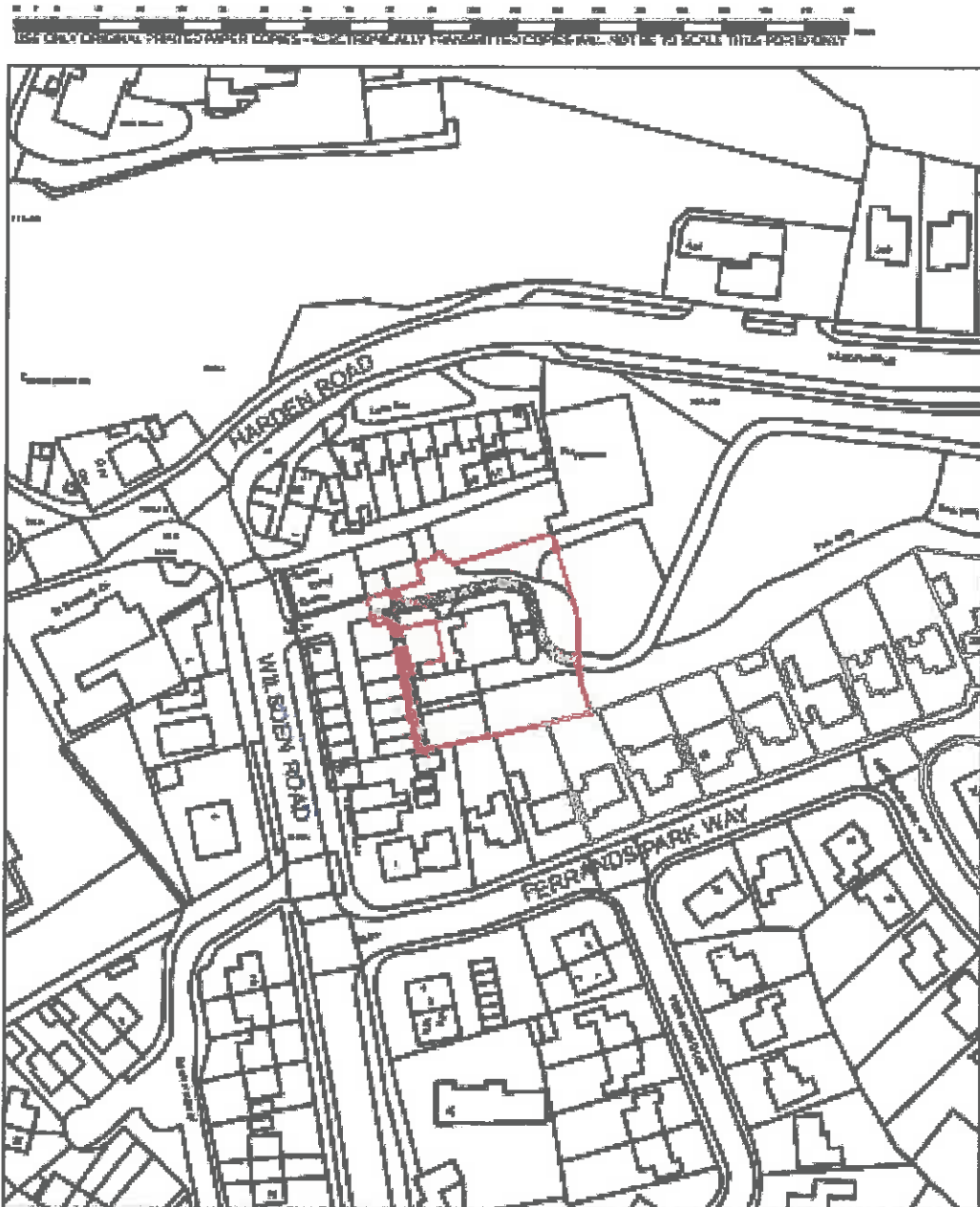
- Appendix 1 – Site Plan
- Appendix 2 – Nomination Form

12. BACKGROUND DOCUMENTS

None

Appendix 1

Site Plan – Harden Memorial Hall, Wilsden Road, Harden, Bingley, BD16 1JP.



City of Bradford Metropolitan District Council

ESTATES and PROPERTY

www.bradford.gov.uk

1st Floor Argus Chambers, Beaufort House, Bradford, BD1 1HX

Drawn by: SH0013204	Checked by: SE00538	Scale: 1/1250 @ A4	Date: 14-05-2012	Plan file: DCB W-024-007	N3G
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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/communityassets>

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, by post or email, to:

Assets of Community Value
City of Bradford Metropolitan District Council
Strategic Asset Management
1st Floor Argus Chambers,
Britannia House,
Bradford,
BD1 1HX

Nigel.Gillatt2@bradford.gov.uk

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

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. If the nomination meets the relevant criteria and is approved by the Council, the asset will be included on the list. The listing will last for a period of five years although the local authority has the ability to remove the asset from the list before the expiry of that period.

The owner wants to sell their asset

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

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.

The point at which the asset is to be sold

The six month window of opportunity (known as 'full moratorium') is only for eligible community interest groups to put their business plans together and gather necessary funding. However, the asset owner may dispose of the property to (another) community interest group at a price agreed between the parties during the full moratorium. 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.



Section 1
Details of the land or building(s) that you are nominating

Please provide information which helps to clarify the exact location and extent of the asset being nominated. This could include:

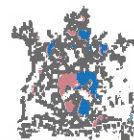
- Where the land is registered, the Land Registry Title Information document and map with boundaries clearly marked in red (less than one month old). Provision of Land Registry information is not essential but it may help us to reach a decision on the nomination more quickly.
- A written description with ordinance survey location, and explaining where the boundaries lie, the approximate size and location of any building/s on the land and details of any roads bordering the site.
- A drawing or sketch map with boundaries clearly marked in red – websites which might help you in plotting boundaries include: <http://maps.google.co.uk>

If the boundary is not clearly defined, you may be required to submit further evidence prior to your nomination application being accepted.

Name of Asset	Harden Memorial Hall
Address or location of the asset	Harden Memorial Hall Wilsden Road Harden Bingley BD16 1JP
Description of the asset and its boundaries	Harden Memorial Hall is a community hall recently subject to a Community Asset Transfer to Harden pre-School.

Section 2
About You

Title	
First Name	
Surname	
Address	Harden Parish Council PO Box 572 KEIGHLEY
Post Code	BD21 9FE
Telephone number	
Email address	clerk@hardenparishcouncil.gov.uk
Your relationship to the nominating organisation	Clerk & Responsible Financial Officer



Section 3
About your Organisation

Please provide evidence that you are eligible to make a nomination.

Name of organisation

Parish Council

Organisation type

**Place a cross
against all those that
apply**

**Registration number of
charity and/or company (if
applicable)**

Neighbourhood forum

Parish Council

x

Charity

Community interest company

Unincorporated body

Company limited by guarantee

Industrial and provident society

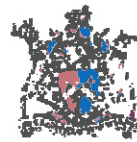
Number of members registered to vote locally (unincorporated bodies)

In the case of an unincorporated body, at least 21 of its individual members must be registered to vote locally. If relevant, please confirm the number of such members and provide the names and addresses of 21 members registered to vote locally. If they are registered to vote in the area of a neighbouring local authority, rather than in Bradford District, please confirm which area that is.

7 elected councillors serving a 4-year term of office

Local connection

Your organisation must have a local connection, which means that its activities are wholly or partly concerned with the administrative area of Bradford Council or a neighbouring local authority. In some cases this will be obvious, e.g. an organisation whose activities are confined to the city. If it is not obvious, please explain what your organisation's local connection is.



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

If your organisation is an unincorporated body, a company limited by guarantee, or an industrial and provident society, its rules must provide that any surplus funds are not distributed to members, but are applied wholly or partly for the benefit of the local area (i.e. within the administrative area of Bradford or a neighbouring local authority). If relevant, please confirm that this is the case, and specifically which area this applies to.

n/a

More about your organisation

What are the main aims and activities of your organisation? If your organisation isn't a registered charity or company, please provide evidence of its status such as trust deed, Articles of Association, constitution where appropriate.

Statutory authority and first tier of local government.



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

Current owner(s)'s name and address	Bradford MDC
Current leaseholder(s) name and address	Harden Pre-School The Memorial Hall Harden BD16 1JP
Names and addresses of all current occupants of the land	As above plus community users of the Hall including Youth Club and Harden Parish Council.

Section 5
Reasons for nomination; why you think the land or building is of community value

Please note that the following are not able to be assets of community value:-

- *A building wholly used as a residence, together with land "connected with" that residence. This means adjoining land in the same ownership. Land is treated as adjoining if it is separated only by a road, railway, river or canal.*
- *A caravan site.*
- *Operational land. This is generally land belonging to the former utilities and other statutory operators.*

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?

** These could be cultural, recreational and/or sporting interests – please say which one(s) apply.*

The Memorial Hall has served the community of Harden for some years and under the terms of the Community Asset Transfer that is set to continue into the future.

The facility is used for pre and after school clubs and is also used by the youth club, gala committee and the Parish Council. It has been used as a public meeting place and a location for community engagement events including meetings about planning matters in Harden, about Neighbourhood Planning and for Neighbourhood Forums etc.

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

If it is listed as an asset of community value, community interest groups (not limited to your organisation) will get the opportunity to bid for it if it comes up for sale. Please set out how you think such a group could fund the purchase of the building or land, and how they could run it for the benefit of the community.

The purpose of this application is to provide opportunity for the Parish Council, possibly in partnership with others in the community, to prepare a proposal to purchase the building and preserve the hall as a community asset in the event of the existing leaseholder handing the building back to Bradford MDC and the principal authority deciding to dispose of the asset on the open market.

If such a scenario arose, the Parish Council would wish to have opportunity to explore developing a scheme to purchase and retain the hall for the benefit of the community.

The Parish Council could partly fund purchase and ongoing running costs through the precept and could look to external sources of grant funding, including lottery and other such grant funds. In the future, the Parish Council may also have access to CIL funds, following the adoption of a Neighbourhood Plan for Harden and future developments in the village.

Section 6
Submitting your nomination

What to include

- Your organisation's constitution, Articles of Association or Trust Deed
- Your location plan of the asset that you are nominating

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

Date **9 June, 2018**



Harden Parish Council's Standing Orders, Financial Regulations and other policy documents can be accessed on our website, under policies & procedures, here: -

<http://hardenparishcouncil.gov.uk/documents>

