



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

**Report of the Strategic Director Corporate Resources to  
the meeting of Ilkley Area Committee to be held on 28<sup>th</sup>  
February 2019 at 6pm at Keighley Town Hall.**

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**Subject:**

**Nomination to list property as an Asset of Community Value – White Wells, Ilkley**

**Summary statement:**

**The Council has received a nomination to list the property known as White Wells, Ilkley 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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**Resources**

**Portfolio:**  
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**Overview & Scrutiny Area:**  
**Corporate**

## 1. SUMMARY

- The Council has received a nomination to list property known as **White Wells, off Wells Road, Ilkley Moore** 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 21<sup>st</sup> 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 White Wells is owned by Bradford Council. The museum and café are occupied by a protected business tenant who is holding over on an expired lease. The Asset of Community Value application includes the public toilets.

## 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 6<sup>th</sup> 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 Ilkley Civic Society – registered charity no. 1092549.	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	White Wells is one of Ilkley's oldest buildings: erected c.1690, it is tenanted, contains a café and a plunge bath open to public – both in regular use for a number of years, exceeding 5. While the plunge bath is used only on New Year's Day and Yorkshire Day, the café is in frequent use and is accessible for wheelchair users. The application includes the public conveniences.	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 serving as a famous Ilkley landmark and a tourist attraction, providing a welcome stop for refreshments for residents and visitors and as home to the traditional plunge bath immersions often used as a fundraiser for charity.	Yes

3.4.3 Accordingly, Council's Officers have assessed that the criteria for listing have been met and recommend that **White Wells** 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 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.

**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 –*

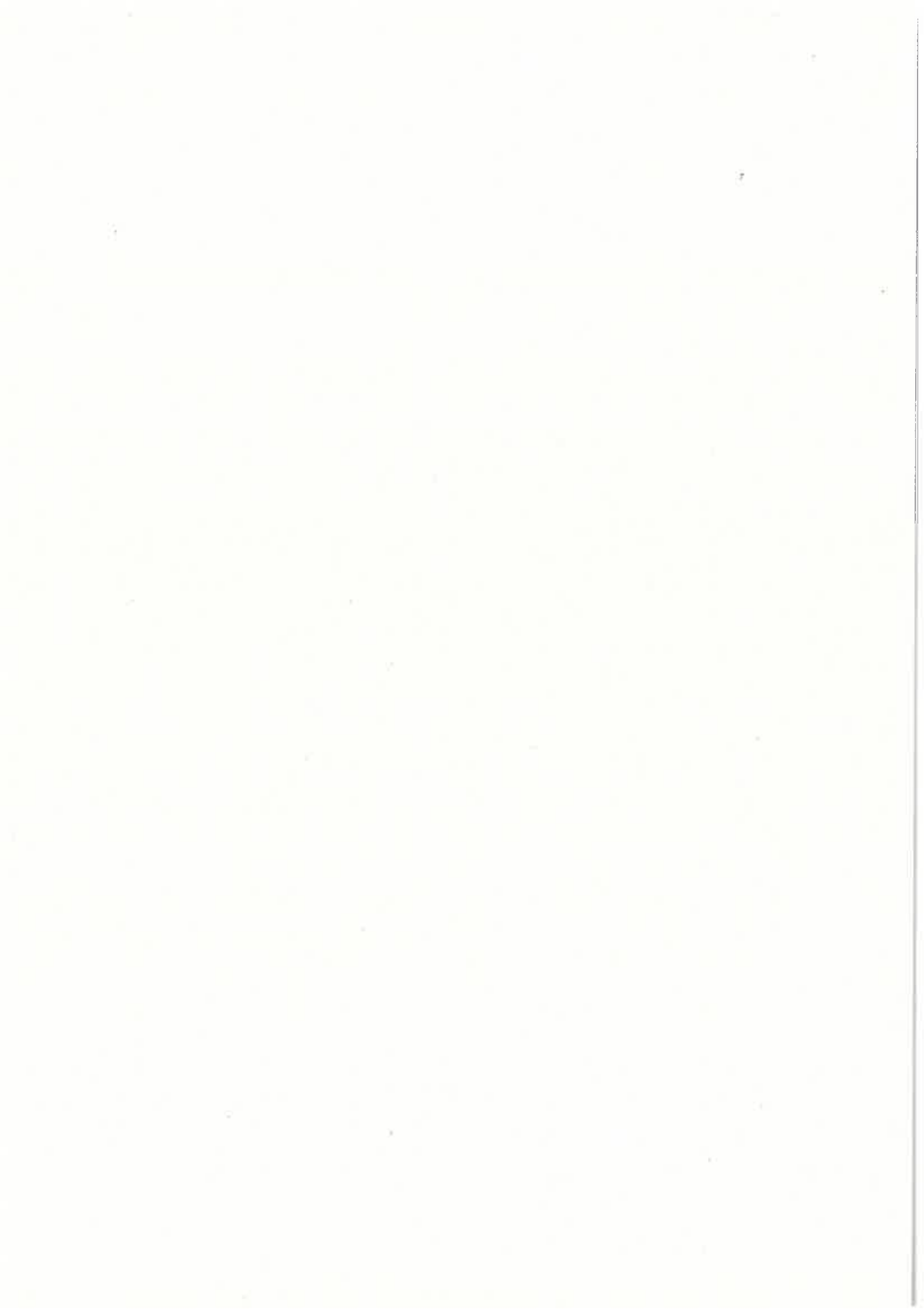
*That Option 1, to recommend that the nomination of the property known as White Wells, Ilkley, be approved.*

## **11. APPENDICES**

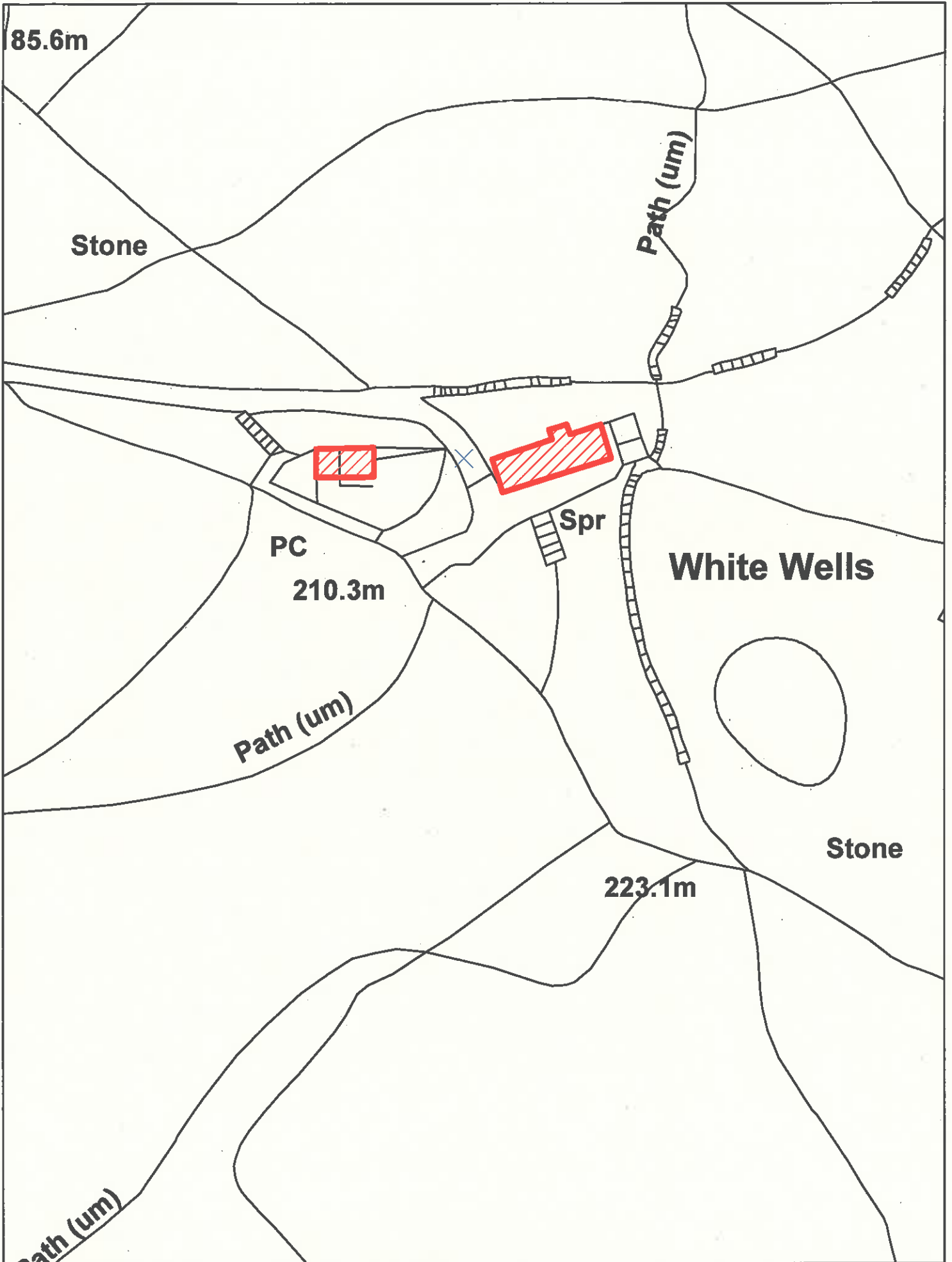
- Appendix 1 – Site Plan
- Appendix 2 – Nomination Form (redacted)

## **12. BACKGROUND DOCUMENTS**

None



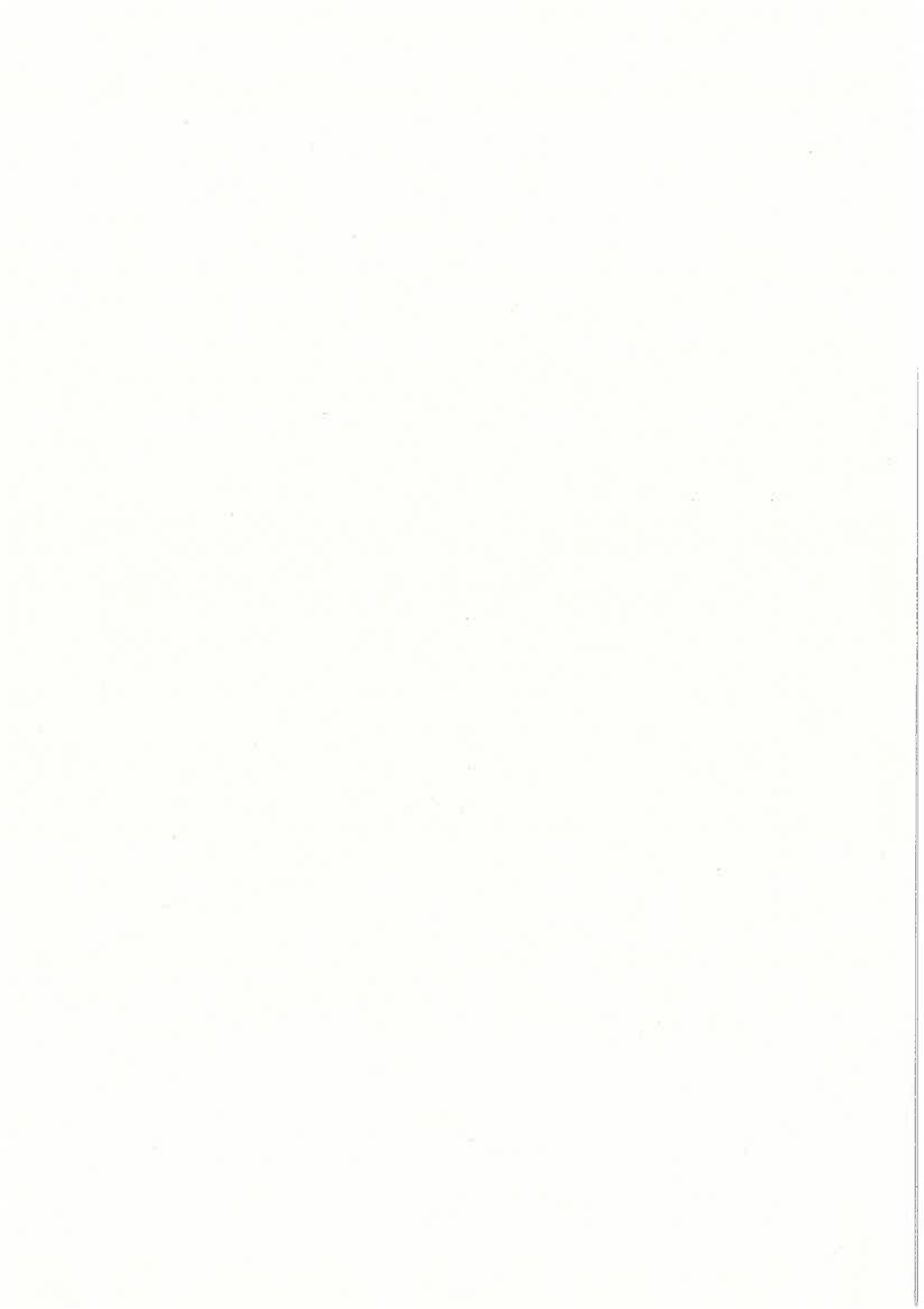




Scale at A4  
1:750

Date: 21/01/2019





City of Bradford MDC

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**The Localism Act 2011  
Community Right to Bid**

**Application to Nominate Assets of  
Community value**

<input type="checkbox"/>
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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	Ilkley Civic Society	
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	1092549
Community interest company		
Unincorporated body		

[Redacted area]

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.

Ilkley Civic Society has been active, taking the initiative in local issues in Ilkley since 1966.

**2.6 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

**2.7 More about your organisation**

What are the main aims and activities of your organisation?

To promote high standards of planning and architecture in Ilkley including Ben Rhydding and Middleton.

To educate the public in the geography, history, natural history and architecture.

To secure the preservation, protection, development and improvement of features of historic or public interest.

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.

### 3. 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.

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

- 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>

Name of the asset	White Wells, likley Moor
Address or location of the asset	Off Wells Road, on the moorside.
Description of the asset and its boundaries	The two buildings of White Wells, and their immediate paved curtilage, which is not defined by any physical boundaries on the ground.

### 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

Names and addresses of all current occupants of the land

Bradford Council

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.

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?

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

Ilkley is a town rich in heritage from prehistoric times to the Romans, through the turbulent middle ages and early modern period, from its 19<sup>th</sup> Century creation as a fashionable spa town to the present day.

The White Wells spa building is one of Ilkley's older buildings, erected in about 1690 to take advantage of the spring which was one of the town's main water sources. Situated prominently on the moor high above the town, it originally purveyed the water cure for which Ilkley became famous.

When White Wells fell into decline in the 1960s, it was bought by a local businessman Eric Busby and gifted to the town. Later it was transferred to Bradford Council. Nowadays, it is tenanted and includes a café. The plunge bath is open to the public although it is now regularly used only on New Year's Day and Yorkshire Day. Often such immersions are to raise funds for charity, with accompanying publicity. A record number of people celebrated New Year 2019 by taking the



There is an opportunity to improve the interpretation of the site, better to inform visitors.

White Wells is a key building in Ilkley's history. It is well-known in the town and popular with visitors. It provides a landmark for residents and visitors who cannot manage a long hill-walk but who appreciate a little exercise and the open views and refreshments when they reach White Wells. In dry weather, it is accessible by wheelchair visitors.

## 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.