

Report of the Director of Corporate Resources to the meeting of Shipley Area Committee to be held on 26th January 2022

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Subject:

Shipley Area Committee Update on Assets of Community Value

Summary statement:

Executive on 8th September 2020 changed the process for the listing of Assets of Community Value and required Estates & Property to provide an annual update to each Area Committee.

EQUALITY & DIVERSITY:

There are no Equality or Diversity implications.

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Overview & Scrutiny Area: Regeneration and Environment

1. SUMMARY

- 1.1 Members are asked to consider and note the update on Assets of Community Value (ACV's) in the Shipley area.

2. BACKGROUND

- 2.1 Part 5 Chapter 3 of the Localism Act 2011 (the Act) details the legislation for Assets of Community Value and sets out the Community Right to Bid. The right came into force on 21st September 2012 and its purpose is to give communities a right to identify a property or land that is believed to further their social interests or social wellbeing and gives them a fair chance to make a bid to purchase the property or land on the open market if the owner decides to sell. From the date the landowner informs the Council of their intention to sell, eligible community groups have a period of six weeks to confirm whether or not they wish to submit to bid to purchase the property or land. If they do inform the Council that they want to bid, the landowner is prevented from disposing of the property for a period of six months (from the date they originally informed the Council of their intention to sell) unless it is to a community organisation. The landowner is free to dispose of the property at the end of the six-month period to whomsoever they see fit.

Section 90 of the Act states if a local authority receives a "community nomination", the authority must consider the nomination. The authority must accept the nomination if the land nominated is in the authority's area and is of community value.

Only specified bodies with a local connection are able to submit nominations for property or land to be included in the List of Assets of Community Value:

- A Neighbourhood Forum;
- A Parish Council;
- An unincorporated body with 21 local people on the electoral roll that does not distribute any surplus it makes to its members;
- A company limited by guarantee which does not distribute any surplus it makes to its members;
- An industrial and provident society which does not distribute any surplus it makes to its members;
- A community interest company.

The nominator must be able to demonstrate and satisfy all of the listing criteria as laid down in the legislation. Section 88(1) states that buildings or land with a current use is considered to be of community value, if, in the opinion of the authority, there is:

- a) 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;
- b) It is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

Section 88(2) states that land does not meet the criteria laid out in 88(1) is of community value if in the opinion of the authority:

- a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and;
- b) 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.

It is important to note that if either of the criteria in Section 88(1) or (2) are met, then the Council must add the site to the List of Assets of Community Value.

3. OTHER CONSIDERATIONS

- 3.1 On 8th September 2020 the Executive approved changes to the process for assessing ACV nominations due to difficulties in achieving the timeframe set out in Regulation 7 of the Assets of Community Value Regulations (England) 2012 which states that nominations must be assessed within an eight-week period. It was taking the Council an average of 11.2 weeks to assess a nomination, with only 34% being assessed within the statutory deadline. In one case it took 25 weeks for the nomination to be assessed. Although there is no penalty for failure to meet the deadline, there are potential repercussions.

The main change to the assessment process was to remove the need to take reports to Area Committee for a recommendation whilst strengthening the input from the Portfolio Holder and Ward Members. This was because the Council has no control over when Assets of Community Value nominations are received and delays can be incurred when a nomination is received at a time which doesn't align with an upcoming Area Committee, or if the next committee meeting is to be rescheduled. Clearly the views of Elected Members are very important in assessing Assets of Community Value nominations, but an alternative method of seeking their input was needed to ensure 100% compliance within the statutory eight-week deadline.

To ensure elected members have the opportunity to continue to comment on Assets of Community Value nominations, a revised process has been introduced, whereby Ward Councillors for the Ward in which the nominated property is located and the Portfolio Holder are notified by email of nominations which pass an initial eligibility check at the early stages of assessment. Those Members will be given the opportunity to comment and can request a copy of the nomination form and supporting documentation if required. Any comments received will be noted in the report which will be produced recommending to list or not to list.

In order for Area Committees to be kept apprised of developments with Assets of Community Value in their areas, it was agreed that an annual report be submitted to each committee updating on nominations received and the outcome of those nominations, as well as any other pertinent information.

- 3.2 District wide there have been a total of six nominations received since September 2020 and 100% have been assessed within the statutory timeframe. Of those six nominations five are situated within the Shipley area.

- 3.3 Highfell Grove Village Green Space, Harden, was nominated to be added to the List of Assets of Community Value by Harden Village Council. The nomination was assessed within the statutory timeframe and the decision was made not to list the asset as a current or previous non-ancillary use of the land that would further the social wellbeing or social interests of the local community could be proven.
- 3.4 Wycliffe Green Space, Shipley was nominated to be added to the List of Assets of Community Value by Wycliffe Neighbourhood Association who are an unincorporated body with 21 local people on the electoral roll that does not distribute any surplus it makes to its members. The nomination was assessed within the statutory timeframe and the decision was made to add the asset to the list as a current use of the land that is not an ancillary use and furthers the social wellbeing or social interests of the local community was evident. The land was added to the list on 5th May 2021. Following notification to the owner of the land Incommunities, they requested an internal listing review of the decision to add Wycliffe Green Space to the list. That listing review was completed within the statutory timeframe and it was deemed the decision to add the land to the list was correct.
- 3.5 Hermit Inn Public House, Burley Woodhead, was nominated to be added to the List of Assets of Community Value by Burley in Wharfedale Parish Council. The nomination was assessed within the statutory timeframe and the decision was made to add the asset to the list as a current use of the building that is not an ancillary use and furthers the social wellbeing or social interests of the local community was evident. The Hermit Public House was added to the list on 5th May 2021. Following the decision to list the owners of the Hermit Public House advised us of their intent to dispose of the property which triggered the interim moratorium period of six weeks to allow eligible community groups to come forward and bid for the property. No such group came forward and therefore the owners were free to dispose of the property on the open market. The owners secured a successful offer for the property and following a relevant disposal the asset was removed from the list on 30th June 2021.
- 3.6 Kirkgate Centre, Shipley was nominated to be added to the List of Assets of Community Value by The Kirkgate Centre (CIC) who are a community interest company. The nomination was assessed within the statutory timeframe and the decision was made to add the asset to the list as a current use of the building that is not an ancillary use and furthers the social wellbeing or social interests of the local community was evident. Kirkgate Centre was added to the list on 19th August 2021.
- 3.7 Bilberry Banks (AKA Sandy Banks) was nominated to be added to the List of Assets of Community Value by Wilsden Parish Council. The nomination was assessed within the statutory timeframe and the decision was made to add the land to the list as a current use of the land that is not an ancillary use and furthers the social wellbeing or social interests of the local community was evident. Bilberry Banks was added to the list on 29th September 2021.

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 There are no financial issues arising.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

5.1 There are no significant risk arising out the recommendation.

6. LEGAL APPRAISAL

6.1 There no legal issue arising out of the recommendation.

7. OTHER IMPLICATIONS

7.1 SUSTAINABILITY IMPLICATIONS

7.1.1 There are no sustainability implications.

7.2 GREENHOUSE GAS EMISSIONS IMPACTS

7.2.1 There are no greenhouse gas emissions impacts.

7.3 COMMUNITY SAFETY IMPLICATIONS

7.3.1 There are no community safety implications.

7.4 HUMAN RIGHTS ACT

7.4.1 There are no Human Rights Act implications.

7.5 TRADE UNION

7.5.1 There are no Trade Union implications.

7.6 WARD IMPLICATIONS

7.6.1 There are no Ward specific implications.

7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS

7.7.1 The annual ACV report to the Area Committee will be part of the Area Committee Action Plan.

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

7.8.1 There are no implications for children and young people.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

7.9.1 A Privacy Impact Assessment has taken place so data protection and information security matters arising from the listing of ACV's does not breach GDPR.

8. NOT FOR PUBLICATION DOCUMENTS

8.1 There are no not for publication documents.

9. OPTIONS

9.1 None

10. RECOMMENDATIONS

10.1 Area Committee are asked to note the update of listings as Assets of Community Value.

11. APPENDICES

11.1 Appendix 1 - Full list of Asset of Community Value

12. BACKGROUND DOCUMENTS

12.1 Executive Report and Minutes 8th September 2020.

Current List of Assets of Community Value – 13/12/2021

ACV Number	Status	Property	Applicant	Owner	Approved	Expires
ACV0052	Approved	The Swan	Addingham Parish Council	Enterprise Inns	09/03/2017	09/03/2022
ACV0053	Approved	Myrtle Park	Bingley Town Council	CBMDC	28/06/2017	28/06/2022
ACV0054	Approved	Bingley Town Hall	Bingley Town Council	CBMDC	28/06/2017	28/06/2022
ACV0055	Approved	Bingley Swimming Pool	Bingley Town Council	CBMDC	28/06/2017	28/06/2022
ACV0056	Approved	Jenny Lane - Wooded Area	Baildon Town Council	RC Diocese of Leeds	28/06/2017	28/06/2022
ACV0057	Approved	Jenny Lane - Playground	Baildon Town Council	RC Diocese of Leeds	28/06/2017	28/06/2022
ACV0058	Approved	Jenny Lane - Rugby Ground North	Baildon Town Council	RC Diocese of Leeds	28/06/2017	28/06/2022
ACV0059	Approved	Jenny Lane - Rugby Ground South	Baildon Town Council	RC Diocese of Leeds	28/06/2017	28/06/2022
ACV0061	Approved	Denholme Allotments	Denholme New Allotments	CBMDC	11/10/2017	11/10/2022
ACV0062	Approved	Addingham Recreation Ground Sports Pavilion	Addingham Academy	Addingham Parish Council	14/12/2017	14/12/2022
ACV0063	Approved	Burley Community Library	Burley in Wharfedale Community Trust (BWCT)	Burley Parish Council	14/02/2018	14/02/2023
ACV0065	Approved	Wheatley Lane - Former Public Conveniences	Ilkley Parish Council	CBMDC	06/09/2018	06/09/2023
ACV0066	Approved	Beverley Rise Verge	Ilkley Parish Council	William Scott	06/09/2018	06/09/2023
ACV0067	Approved	Back Grove Road - Land	Ilkley Parish Council	CBMDC	06/09/2018	06/09/2023
ACV0070	Approved	White Wells	Ilkley Civic Society	CBMDC	12/03/2019	12/03/2024
ACV0071	Approved	Ilkley Manor House	Ilkley Civic Society	CBMDC	17/09/2019	17/09/2024
ACV0073	Approved	Low Hall Road - Land	Menston Parish Council	CBMDC	17/09/2019	17/09/2024
ACV0075	Approved	Menston Arms	Menston Parish Council	Sam Smith Brewery Limited	17/09/2019	17/09/2024
ACV0076	Approved	Sun Inn	Save The Sun Inn	Mr Parvez Akhtar	20/01/2020	20/01/2025
ACV0077	Approved	Oakworth Jubilee Garden	Oakworth Village Society	CBMDC	27/11/2019	27/11/2024
ACV0079	Approved	Bierley Post Office	The Neighbourhood Project CIC		13/09/2021	13/09/2026
ACV0080	Approved	Bierley Lane Recreation Ground	The Neighbourhood Project CIC	CBMDC	13/09/2021	13/09/2026
ACV0083	Approved	Ilkley Town Hall, Library, King's Hall & Winter Garden	Ilkley Civic Society	CBMDC	31/01/2020	31/01/2025
ACV0084	Approved	Elliott Street Land	The Hive Silsden CIO	CBMDC	10/09/2021	10/09/2026
ACV0085	Approved	The Hive Silsden	The Hive Silsden CIO	CBMDC	19/11/2021	19/11/2026
ACV0087	Approved	Wycliffe Green Space	Wycliffe Neighbourhood Association	Incommunities Limited	05/05/2021	05/05/2026
ACV0089	Approved	Bolton Road Allotments	Bolton Road Allotments	Mr David Winstanley	26/05/2021	26/05/2026
ACV0090	Approved	The Kirkgate Centre	The Kirkgate Centre	CBMDC	19/08/2021	19/08/2026
ACV0091	Approved	Bilberry Banks aka Sandy banks	Wilsden Parish council	Parkmount Estate Company (Allerton) Limited	29/09/2021	29/09/2026