



CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

RECORD OF STRATEGIC DIRECTOR'S DECISION
FOR ASSETS OF COMMUNITY VALUE

Land

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| Date of recommendation: | 04/05/2022 |
| Recommendation made by: | Neil Charlesworth |
| Decision maker: | Joanne Hyde – Strategic Director, Corporate Resources |
| Nominee: | Menston Parish Council, nomination dated 24 th March 2022. |
| Specific delegation: | Resolution of the Executive, 8 th September 2020. |
| Brief description of recommendation: | To list Menston Co-op, 58 Main Street, Menston, LS29 6NB as an Asset of Community Value on the grounds that the nomination meets the criteria and definition of an Asset of Community Value as set out in the Localism Act 2011. |
| Reports or parts of reports considered: | Recommended: To recommend that the nomination of the property known as Menston Co-op, 58 Main Street, Menston, LS29 6NB as an Asset of Community Value be approved. |

Signed by the decision maker:

Name:

Joanne Hyde

Job Title:

Strategic Director, Corporate Resources

Date:

10/05/2022

Briefing Note

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| <p>Subject: To consider whether Menston Co-op, 58 Main Street, Menston, LS29 6NB should be added to the list of Assets of Community Value</p> | <p>Confidential: No</p> |
| | <p>Date: 04/05/2022</p> |

1. Summary of main issues

- 1.1 In line with the legislation and regulations set out in the Localism Act 2011, this report considers the nomination to add Menston Co-op, 58 Main Street, Menston, LS29 6NB to the List of Assets of Community Value.
- 1.2 The Council has received a nomination from Menston Parish Council. They are eligible to nominate the property, trigger the moratorium period, bid for the property and purchase the property.
- 1.3 Officers conclude that although the property is currently closed to the public there is a time in the recent past when an actual use of the building that was not an 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 that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community. The property should therefore be added to the List of Assets of Community Value.

2. Recommendations

- 2.1 The Director of Corporate Resources is recommended to add Menston Co-op, 58 Main Street, Menston, LS29 6NB to the List of Assets of Community Value.

3. Purpose of this report

- 3.1 The purpose of this report is for the Director of Corporate Resources to consider whether Menston Co-op, 58 Main Street, Menston, LS29 6NB shown edged and hatched red on plan number ACV0092 should be included on the List of Assets of Community Value or whether it should be included on the List of Land Nominated by Unsuccessful Community Nominations in accordance with Part 5 Chapter 3 of the Localism Act 2011.

4. Background

- 4.1 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.
- 4.2 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.
- 4.3 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.
- 4.4 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.

4.5 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.

5. Main Issues

5.1 A nomination to list Menston Co-op, 58 Main Street, Menston, LS29 6NB as an Asset of Community Value was received on 24th March 2022, submitted by Menston Parish Council.

5.2 This report has been based on an assessment of the nomination form, site visits by the case officer, and responses received from Ward Members. We have received no comment from the owner of the land.

5.3 Menston Parish Council is a parish council and therefore eligible to nominate land or buildings within their council area or that of a neighbouring area as Assets of Community Value as specified in paragraph 5(1)(d) of the Assets of Community Value (England) Regulations 2012 (the Regulations) and a voluntary or community body with a local connection as specified in Section 89(2)(b)(iii) of the Act. The subject property is within Menston Parish.

5.4 Menston Co-op, 58 Main Street, Menston, LS29 6NB is located in the Wharfedale Ward. Land Registry checks show that the property is registered under the ownership of The Co-operative Group Ltd.

5.5 The owners have been made aware of the Asset of Community Value nomination via letter sent recorded delivery on 29th March 2022. We have not received a response from the owner.

5.6 Ward Members, the local Parish Council, the local ward officers and the owners have been made aware of the nomination. Councillor Dale Smith responded in full support of the nomination whilst declaring his interest in the nomination as a member of the nominating parish council. Councillors Bob Felstead and Gerry Barker also responded, both in support of the nomination.

5.7 For a property to be added to The List of Assets of Community Value, the Local Authority must be of the view that a current non-ancillary use furthers

the social interests or social wellbeing of the local community and that it is realistic to think that it can continue to do so, or that there has been such a use in the recent past and that it is realistic to think it can be brought back into such a use, whether or not in the same way, within the next five years.

Does a current non-ancillary use further the social interests or social wellbeing of the local community?

- 5.8 Following a site visit from the case officer it was clear that the property was not currently open nor trading to the public. Therefore, the property does not have a current non-ancillary use furthers the social interests or social wellbeing of the local community.

Is 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?

- 5.9 The investigation by the case officer has determined that the Co-op closed to the public in the summer 2021. The site visit showed that all fixtures and fittings remain in situ and it was clear that the Co-op was predominantly intended for the use of local people within the village of Menston.
- 5.10 The nominator states that “The Co-op has been a presence as a retail shop selling food, drink and household goods in the heart of the village adjacent to the Primary School for around 100 years.” As Co-op’s were originally set up to be owned and managed by those closest to the business, typically the workers, customers or local community, it means co-ops focus not just on making a profit, but how they made it and what they do with it to bring value to their members and community.
- 5.11 Both “A plain English guide to the Localism Act” and “Community Right to Bid: Non-statutory advice note for local authorities” which are guidance documents that assist local authorities when assessing nominations state that shops or village shops could be considered as an asset of community value. This supports the nomination made by the local Parish Council.
- 5.12 Officers conclude therefore that 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.

Is it 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?

- 5.13 During the assessment the case officer checked for any valid planning applications currently in place for the property that would indicate in the absence of comment from the owner plans for alternative use. No such applications were submitted. As we know the shop has been a presence

within the village for around a hundred years and it still incorporates the necessary fixtures and fittings to function as a shop it is realistic to assume it could re-open to the public in the future.

- 5.14 Is it realistic therefore, 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.
- 5.15 The criteria for adding a property to the List of Assets of Community Value as set out in paragraph 88(2) of the Localism Act 2011 is considered to have been met in this case and the property should be added to the List of Assets of Community Value.

6. Financial, HR, Communications issues (including value for money)

- 6.1 There are no financial, HR, communication or value for money issues other than in certain circumstances the owner of a listed property can claim compensation from the local authority.
- 6.2 Should an appeal be made to the First-Tier tribunal by the owner against a listing this can have an impact on costs and staff resources.
- 6.3 The Regeneration, Planning and Transport Portfolio Holder has been informed of the nomination and the subsequent recommendation to add the property to the List of Assets of Community Value.

7. Other Implications

- 7.1 There are no equality & diversity, sustainability, greenhouse gas emissions, community safety, Human Rights Act or Trade Union implications.

8. Recommendations

- 8.1 The Director of Corporate Resources is recommended to add Menston Co-op to the List of Assets of Community Value.

9. Background documents

- 9.1 ACV plan number AC0092
- 9.2 Application to Nominate Assets of Community Value – Menston Co-op.

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