

**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL**

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

**Myrtle Park**

Date of recommendation:	21st July 2022
Recommendation made by:	Simon Sharp, Senior Asset Management Officer (Case Officer)
Decision maker:	Joanne Hyde – Strategic Director, Corporate Resources
Nominee:	Bingley Town Council, nomination dated 10/06/2022
Specific delegation:	Resolution of the Executive, 8 September 2020.
Brief description of recommendation:	To list the above asset as Asset of Community Value on the grounds that the nomination does meet 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 Myrtle Park be accepted.

Signed by the decision maker:



Name:

Joanne Hyde

Job Title:

Strategic Director, Corporate Resources

Date:

26/07/22

# Briefing Note

<b>Subject: Should Myrtle Park, Bingley be added to the list of Assets of Community Value</b>	<b>Confidential: No</b>
	Date: 21/07/2022

## 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 Myrtle Park, Bingley to the List of Assets of Community Value.
- 1.2 The Council has received a nomination from Bingley Town 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 the property does have a current use which furthers the social wellbeing and social interests of the local community. The property can therefore be added to the List of Assets of Community Value.

## 2. Recommendations

- 2.1 The Strategic Director of Corporate Resources is recommended to add Myrtle Park, Bingley to the List of Assets of Community Value.

## 3. Purpose of this report

- 3.1 The purpose of this report is for the Strategic Director of Corporate Resources to consider whether Myrtle Park, Bingley shown edged and hatched red on plan number ACV0095 should be included in 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 This report has been based on an assessment of the nomination form received on 10<sup>th</sup> June 2022 from Bingley Town Council and a site visit by the case officer.
- 5.2 Bingley Town Council are eligible to nominate land or buildings as Assets of Community Value as specified in regulation 5(1)(b) and a voluntary or community body with a local connection as specified in Section 89(2)(b)(i) of the Act.
- 5.3 Myrtle Park, Bingley (shown edged and shaded red on the attached plan number ACV0095) is located within the Bingley Ward. The property is owned by Bradford Metropolitan District Council.
- 5.4 For a property to be added to The List of Assets of Community Value, the nominator must demonstrate that a current non-ancillary use furthers the social interests and social wellbeing of the local community and that it is realistic to think that it can continue to do so whether or not in the same way, or 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 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).

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

- 5.5 Myrtle Park is currently open to the public. The nominator states in their nomination, “Myrtle Park provides plenty of opportunities to further the social wellbeing of the community as a place where people can meet, exercise and socialise. There is a playground for children, bowling greens, tennis courts, plenty of grass and paths, seats, a café and large playing field which are used for events such as Bingley Show and Bingley Music Live. Myrtle Park is the home of Bingley Park Run and hosts annual Play in the Park events for children. There is a bandstand in Myrtle Park”. A site visit and check of social media and internet sites linked to the park have confirmed this information.
- 5.6 The Department for Communities and Local Government’s ‘Community Right to Bid: Non-statutory advice note, for local authorities’ states that cultural, sporting or recreational interests can be classed as uses that further a community’s social well-being or social interests. Myrtle Park is solely used for such purposes therefore it is clear that Myrtle Park has a current non-ancillary use which furthers social interest and social wellbeing. It is the main park for Bingley and one of a number within the district and is therefore considered to serve the local community.
- 5.7 As part of the assessment all stakeholders including the local ward members have been notified and asked for comment. All three ward members are in support of the nomination.
- 5.8 The Regeneration, Planning and Transport Portfolio holder has also been consulted on the nomination. Although they did not provide comment whether or not the nomination was supported they did request that consideration was given to how a listing may affect the local Levelling Up Fund bid. In the case of Myrtle Park, Bingley, no potential issues were discovered and at this time the nomination would not affect any such funding bid. In any case, the inclusion or otherwise of the property in a funding bid is not considered material to the decision as to whether or not to add the property to the List of Assets of Community Value.

***Is it 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?***

- 5.9 There are no plans to change the use of the park to reduce its current facilities. Parks and Green Spaces were informed about the nomination. They returned comment that they were “not surprised” that the asset had been nominated but did not provide any further comment or information to suggest anything other than the services and facilities within the park would continue.
- 5.10 A simple information search by the case officer utilising the internet, social media and other local media outlets provided information that events were planned in and around the park until 2023. Some of these events were held previously on an annual basis and no information was provided to suggest that alternative locations would be sought beyond 2023 so therefore it can be assumed those annual events will continue beyond 2023.
- 5.11 The nominator states that Myrtle Park has been enjoyed by the local community for over a century and the assessment by the case officer confirms the asset is still offering social and wellbeing interests to the local community. Combined with the lack of any information to suggest this use may change it is realistic to think that there can continue to be non-ancillary use of the property which will further the social wellbeing or social interests of the local community.

5.12 Myrtle Park, Bingley was previously added to the List of Assets of Community Value and was removed on 28th June 2022 following the end of the statutory period for listing.

5.13 The nominator is eligible to make a nomination, and Myrtle Park, Bingley does have a current non-ancillary use. e which furthers the social wellbeing or social interests of the local community in the future and it is realistic to think that use can continue. Therefore, the property can be added to the List of Assets of Community Value.

5.14 The criteria for adding a property to the List of Assets of Community Value as set out in paragraph 88(1) and (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.

## **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 Strategic Director of Corporate Resources is recommended to add Myrtle park, Bingley to the List of Assets of Community Value.

## **9. Background documents**

9.1 Plan number ACV0095.

9.2 Myrtle Park, Bingley Nomination Form

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