

**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL**

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

**Bingley Town Hall**

Date of recommendation:	19 <sup>th</sup> 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 <sup>th</sup> September 2020.
Brief description of recommendation:	Not to list the above asset as Asset of Community Value on the grounds that the nomination does not 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 Bingley Town Hall be rejected.

Signed by the decision maker:



Name: Joanne Hyde

Job Title: Strategic Director, Corporate Resources

Date: 26/07/22

# Briefing Note

<b>Subject: Bingley Town Hall should be added to the list of Assets of Community Value</b>	<b>Confidential: No</b>
	Date: 19/07/2022

## 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 Bingley Town Hall, Myrtle Park, Bingley, BD16 2LQ 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 not have a current use which furthers the social wellbeing or social interests of the local community, nor has there been such a use in the recent past. The property cannot therefore be added to the List of Assets of Community Value.

## 2. Recommendations

- 2.1 The Strategic Director of Corporate Resources is recommended to decline the nomination to add Bingley Town Hall to the List of Assets of Community Value and instead add the property to the List of Assets Nominated by Unsuccessful Community Nominations.

## 3. Purpose of this report

- 3.1 The purpose of this report is for the Strategic Director of Corporate Resources to consider whether Bingley Town Hall shown edged and hatched red on plan number ACV0096 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 10th June 2022 and a site visit by the case officer.
- 5.2 Bingley Town Council is 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 Bingley Town Hall (shown edged and shaded red on the attached plan number ACV0096) is located in Bingley Ward. The land 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 Bingley Town Hall is currently an operational office building. The main use of the building is as offices for council staff, currently utilised by Neighbourhoods and Adult service teams who use the property for back office functions. Services are not provided directly to the community. The local Ward Members and Town Council also occasionally use the building for meetings.
- 5.6 The nomination form describes the building as an aesthetically pleasing property comprising of period features and goes on to describe how the building has been used in the past and is still used by the local authority to provide operational services which they feel further the social interests or social wellbeing of 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 Bingley Town Hall, 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.
- 5.9 The property is mainly used for back office council functions with little or no access by the local community for those activities. The property is occasionally used by ward members and the local town council for meetings, but these uses are ancillary in both scale and frequency to the office usage. The property may be aesthetically pleasing with period features, but these are not uses. In the case officer's opinion, the nominator has therefore not demonstrated how the building has a current non-ancillary use that furthers the social interests or social wellbeing of the local community

***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?***

- 5.10 The nominator has suggested that the building has potential to accommodate a community centre or educational space along with commercial and or town council office space in the future. This suggestion is in the event the property was no longer operational and disposed of. It may be that the use of the property changes in the future, however, in the absence of a current eligible non-ancillary use the property may not be added to the List of Assets of Community Value.

***Is there 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?***

- 5.11 The nominator states that the property has “served the local community for over 100 years”. However, the information provided within the nomination does not show how these uses furthered the social interests or social wellbeing of the local community. Indeed, the existing use of the building as a base for back office council functions has continued, with any use of the meeting rooms by the community considered ancillary to that use. Officers are therefore of the view that there has not been an eligible use in a period of time which could be considered as “the recent past”.

***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?***

- 5.12 As part of the consultation the Assistant Director of Economy and Development who is managing the Levelling Up Fund Bid in that area. has indicated that there is a third party social investor who as shown an interest in managing Bingley Town Hall in the future along with other local assets and the potential for it to be included within a leisure and hospitality complex. Although this suggests that there may be potential for a social use in the future in the absence of a current eligible non-ancillary use, or such a use in the recent past, the property may not be added to the List of Assets of Community Value.
- 5.13 The nominator is eligible to make a nomination, and it is realistic to think that the subject asset could have an eligible use in the future. However, in the absence of a current non-ancillary use or such a use in the recent past the property cannot 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 not considered to have been met in this case and the property should be added to the List of Assets Nominated by Unsuccessful Community Nominations.
- 5.15 Bingley Town Hall was previously added to the List of Assets of Community Value and was removed on 28<sup>th</sup> June 2022 following the end of the statutory period for listing. At the time of the nomination which resulted in that listing a different process was followed whereby officers completed an Assessment of Validity form and included the outcome in a report to the Area Committee who then took the decision. The committee report identifies that the at the time the property was used as council offices and therefore shouldn't be listed. However, the committee decided to add the property to the list despite the officer recommendation to the contrary.

## **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 not to add Bingley Town Hall to the list of Assets of Community Value.

**9. Background documents**

9.1 Plan number ACV0096.

9.2 Bingley Town Hall Nomination Form

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