

**CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL**

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

**Land / Property**

Date of recommendation:	15/08/2022
Recommendation made by:	Ben Middleton
Decision maker:	Joanne Hyde – Strategic Director, Corporate Resources
Nominee:	Baildon Town Council, nomination dated 22/06/2022
Specific delegation:	Resolution of the Executive, 8 <sup>th</sup> September 2020.
Brief description of recommendation:	To list the Children's Playground at Jenny Lane Recreation Ground, Baildon, Shipley, BD17 6SH, 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 the Children's Playground, Jenny Lane Recreation Ground, Baildon, Shipley, BD17 6SH, be approved.

Signed by the decision maker:



Name:

Joanne Hyde

Job Title:

Strategic Director, Corporate Resources

Date:

18.08.2022

# Briefing Note

<p><b>Subject: Consider whether the Children’s Playground at Jenny Lane, Baildon, Shipley, BD17 6SH, should be added to the list of Assets of Community Value</b></p>	<p><b>Confidential: No</b></p>
	<p>Date: 15<sup>th</sup> August 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 the Children’s Playground, Jenny Lane, Baildon, Shipley, BD17 6SH to the List of Assets of Community Value.
- 1.2 The Council has received a nomination from Baildon 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 use which furthers the social wellbeing and social interests of the local community, and that it is realistic to think that use can continue, therefore the property should be added to the List of Assets of Community Value.

## 2. Recommendations

- 2.1 The Strategic Director of Corporate Resources is recommended to add the Children’s Playground, Jenny Lane, Baildon, Shipley, BD16 7SH 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 the Children’s Playground, Jenny Lane, Baildon, Shipley, BD17 6SH shown edged and hatched red on plan number ACV0099 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 23<sup>rd</sup> June 2022, a site visit by the case officer, and information provided by the nominator.
- 5.2 Baildon Town Council is eligible to nominate land or buildings as Assets of Community Value as specified in paragraph 5(1)(b) 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)(i) of the Act.

- 5.3 The Children's Playground at Jenny Lane, Baildon is located in the Baildon Ward. The freehold of the land is owned by the Roman Catholic (RC) Diocese of Leeds, as part of title number WYK646082. The land was purchased by the Diocese in 1948.
- 5.4 The Council leases the playground from the RC Diocese of Leeds for a public playground use at a sum of £550 per annum. The 5-year lease term expires on 30<sup>th</sup> September 2024, and is the third successive 5-year lease agreement of this land. The lease allows the diocese to serve six months' notice to terminate if the land is required for redevelopment.
- 5.5 The Portfolio Holder for Regeneration, Planning and Transport, ward councillors, the local Parish Council, the local ward officers and the owners have been made aware of the nomination. All three local Ward Councillors have expressed support for the nomination.
- 5.6 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 and 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?***

- 5.7 The Children's Playground is leased for a public playground. It is open to the public and is a well-used local facility which Baildon Town Council are proposing to raise funds for its refurbishment and potentially seek to extend in the future, subject to the availability of finance. The play area is characterised by numerous pieces of playground equipment mounted on rubberised surfacing within an area which is otherwise grassed. Baildon Town Council have stated that the playground furthers the social interests or social wellbeing of the local community and the facility provides the only place in higher Baildon where children and their families can enjoy such fun.
- 5.8 Baildon Town Council also state that the current use of the playground has been ongoing 'for many decades' and refer to the playground as a 'valued' recreational space by the local community. The playground can be seen on aerial photographs dating back to 1998, although there are no records available which indicate when the various pieces of play equipment were installed on site.
- 5.9 The Department for Communities and Local Government's 'Community Right to Bid: Non-statutory advice note, for local authorities' states that a building or other land for listing by the local authority as an asset of community value can be listed if a non-ancillary use of the asset furthers, or has recently furthered, a community's social well-being or social interests, which include cultural, sporting or recreational interests and is likely to do so in the future. The Children's Playground at Jenny Lane is used for recreational purposes by local people, therefore it is clear that the property serves the local community and has a current non ancillary use which furthers social interest and social wellbeing.

***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 There are no plans to change the use of the site from that of a children's playground and the land is allocated as playing fields in a the 2005 Adopted Unitary Development Plan. The nominator, Baildon Town Council, are actively drawing up plans to raise funds for the Council to refurbish the playground in the near future.

- 5.11 The nominator is eligible to make a nomination and the Children's Playground does have a current non-ancillary use. It is also realistic to think that it can continue to have an eligible use which furthers the social wellbeing or social interests of the local community in the future. Therefore, the property can be added to the List of Assets of Community Value.
- 5.12 The Children's Playground at Jenny Lane, Baildon, has been previously added to the List of Assets of Community Value but was removed on 28th June 2022 following the end of the statutory five-year period for listing.
- 5.13 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.

## **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 the Children's Playground at Jenny Lane, Baildon, Shipley, BD17 6SH to the List of Assets of Community Value.

## **9. Background documents**

- 9.1 ACV plan number ACV0099
- 9.2 Application to Nominate Assets of Community Value – Children's Playground at Jenny Lane, Baildon, Shipley, BD17 6SH

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