


Delegated Decision Notification

This form is used both to give notice of an officer's intention to make a key decision and to record any delegated decision which has been taken. The decision set out on this form therefore reflects the decision that it is intended to be made, or that has been made. Although set out in the past tense a decision for which notice is being given may be subject to amendment or withdrawal.

LEAD DIRECTOR ⁱ :	Martin Farrington (Director of City Development)
SUBJECT ⁱⁱ :	Community Right to Bid Nomination for Wetherby Civic Offices, 24, Westgate, Wetherby, LS22 6NL.
DECISION DETAILS ⁱⁱⁱ :	The Head of Asset Management has declined the nomination to add Wetherby Civic Offices 24, Westgate, Wetherby, LS22 6NL to the List of Assets of Community Value and instead add the property to the List of Assets Nominated by Unsuccessful Community Nominations on the basis that the nomination does not meet the criteria laid down in the Localism Act 2011.
TYPE OF DECISION:	<input type="checkbox"/> Key Decision (Executive) Is the decision eligible for call-in? ^{iv} <input type="checkbox"/> Yes <input type="checkbox"/> No Is the decision exempt from call-in? ^v <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Significant Operational Decision (Council or Executive ^{vi} – not subject to call-in) <input type="checkbox"/> Administrative Decision (Council or Executive ^{vii} – not subject to publication or call-in)
NOTICE ^{viii} / CALL-IN (KEY DECISIONS ONLY):	Date the decision was published in the List of Forthcoming Key Decisions: If not on the List of Forthcoming Key Decisions for at least 28 clear days, the reason why it would be impracticable to delay the decision:- If exempt from call-in, the reason why call-in would prejudice the interests of the Council or the public:-
AFFECTED WARDS:	Wetherby
DETAILS OF CONSULTATION UNDERTAKEN:	Executive Member Date consulted: Interest disclosed? ^{ix} <input type="checkbox"/> Yes (Date of dispensation:) <input checked="" type="checkbox"/> No

	Ward Councillor Cllr J Proctor Cllr A Lamb Cllr G Wilkinson	Date consulted: 28/02/17	Interest disclosed? <input type="checkbox"/> Yes (Date of dispensation:) <input checked="" type="checkbox"/> No
	Others ^x (please specify:) J Maxwell (Area Support)	Date consulted: 28/02/17	Interest disclosed? <input type="checkbox"/> Yes (Date of dispensation:) <input checked="" type="checkbox"/> No
CAPITAL INJECTION APPROVAL REQUIRED:	Injection approval required? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If yes, you must complete the Approval box below)		
CAPITAL INJECTION APPROVAL	(Name:) (Title:)		Capital Scheme Number: XXXXX / XXX / XXX Date:
CONTRACT DETAILS (PROCUREMENT DECISIONS ONLY)	Contract Reference Number	Contract Title Supplier	
IMPLEMENTATION (KEY DECISIONS ONLY)	Officer accountable for implementation Timescales for implementation ^{xi}		
CONTACT PERSON:	Catherine Broadhead	Telephone number ^{xii} : 0113 37 87735	
DECISION MAKER / AUTHORISED SIGNATORY ^{xiii} :	 (Name: Angela Barnicle)		Date: 11.04.17.

ⁱ The Leader of the Council may also make executive decisions and should be specified as the Lead Director where appropriate.

ⁱⁱ A brief title should be inserted here. If the decision is Key and has appeared on the List of Forthcoming Key Decisions, the title of the decision should be the same as that used in the List.

ⁱⁱⁱ Brief details of the decision should be inserted. This note must set out the substance of the decision, options considered and the reason for deciding on the chosen option, although care must be taken not to disclose any confidential or exempt information.

^{iv} See the Executive and Decision Making Procedure Rules for eligibility. The decision will not be eligible for call-in if it has already been subject to call-in i.e. considered by the relevant Scrutiny Board. This includes a decision which has been modified by the decision maker following a recommendation by a Scrutiny Board after call-in of the earlier decision.

^v If the decision is exempt from call-in a reason must be provided in the 'Notice / Call-In' box and in the report. The call-in period expires at 5pm on the 5th working day after publication. Scrutiny Support will notify decision makers of matters called-in no later than 12 noon on the 6th working day.

^{vi} If the decision would have been a Key decision but for an exception set out in Article 13.6.1, please refer to the connected Key decision in the decision details (either by the title or the reference number).

^{vii} Administrative Decisions do not need to be published on the Council's website but this form may be used for internal recording of the decision.

^{viii} All Key decisions should appear on the List of Forthcoming Key Decisions for 28 clear days before the decision can be taken. If 28 clear days' notice has not been provided, a reason must be provided here.

^{ix} No Member having a disclosable pecuniary interest or officer having an interest in any matter (whether pecuniary or otherwise required to be declared) should take a decision in relation to that matter. Other interests of a non-disqualifying nature should be recorded here. Any dispensation in place in relation to the matter should also be recorded here.

^x This may include other elected Members, officers, stakeholders and the local community.

^{xi} Please include proposed timescales for commencement and / or completion of implementation as appropriate.

^{xii} Please insert a complete telephone number whether land line or mobile, rather than an extension number so that you can be contacted from outside the Council.

^{xiii} The signatory must be duly authorised by the Lead Director to make a decision in accordance with the relevant sub-delegation scheme. It is not acceptable for the signature to be 'pp' for the authorised signatory. For Key decisions only, the date of the authorised signature signifies that, at the time, the officer was content that the decision should be taken. However, should representations be received following public availability of reports the signatory will consider the effect which such representations should have on the final decision.

Report of **Asset Management Service**

Report to **Head of Asset Management**

Date: **10th April 2017**

Subject: **Community Right to Bid Nomination for Wetherby Civic Offices, 24, Westgate, Wetherby, LS22 6NL.**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s):	Wetherby	
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, Access to Information Procedure Rule number:		
Appendix number:		

Summary of main issues

1. In line with the legislation and regulations set out in the Localism Act 2011, this report considers the nomination to add Wetherby Civic Offices, 24 Westgate, Wetherby, LS22 6NL to the List of Assets of Community Value.
2. The Council has received a nomination from Wetherby Civic Society who are a registered charity (charity number: 1039127). Registered charities are eligible to nominate property, trigger the moratorium period, and bid for or purchase property if the opportunity arises.
3. The nomination includes the building and the car park. The two storey building operates a one stop centre which is open to the public Monday to Friday, 9am-3pm, with a closure of an hour over the lunch period. The one stop offers services from Housing Leeds, Adult Social Care, and Wetherby In Support Of the Elderly (WISE), who also have office space here. A registrar service and welfare rights service is also available through a booking system. A radio station 107.4FM is also based in the Civic as are Council Chambers, hot desking office space and a kitchen space for the Women's Royal Voluntary Service (WRVS) to provide a 'meals on wheels' service.
4. The building's current use is predominantly as office space for those services listed in 3 (above) and as a radio station base. Whilst it is recognised that the organisations based in Wetherby Civic Offices provide important services, Leeds

City Council's case officer concludes that the only non-ancillary use of the building itself is to provide office space and that use does not further the social interests or social wellbeing of the local community as set out in paragraph 88(1) of the Localism Act 2011.

5. **Recommendations**

The Head of Asset Management is recommended to decline to list Wetherby Civic Offices, 24, Westgate, Wetherby LS22 6NL to the list of Assets of Community Value on basis that it does not satisfactorily meet the criteria laid down in the localism Act (2011) and that the property should be added to the List of Assets Nominated by Unsuccessful Community Nominations.

1 Purpose of this report

- 1.1 The purpose of this report is for the Head of Asset Management to consider whether Wetherby Civic Offices, 24, Westgate, Wetherby, LS22 6NL should be added to the List of Assets of Community Value or whether it should be included on the List of Assets Nominated by Unsuccessful Community Nominations in accordance with Part 5 Chapter 3 of the Localism Act 2011

2 Background information

- 2.1 Part 5 Chapter 3 of the Localism Act 2011 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.
- 2.2 Part 5 Chapter 3 of the Localism Act 2011 section (90) 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, is of community value and if the nomination is made by an eligible group.
- 2.3 The nomination is for the Wetherby Civic Offices site which is located within the Wetherby ward (please see the red line boundary plan at appendix 1). Ward Members and Area Support (Citizens and Communities) have been made aware of the nomination. No comments have been received.
- 2.4 The freehold interest in the property is owned by Leeds City Council. There is no leasehold interest and the building is occupied by Leeds City Council staff, a social enterprise and a local radio station.
- 2.5 For property or land to be added to the List of Assets of Community Value, the nominator must be able to demonstrate and satisfy all the listing criteria as laid down in the legislation. The legislation 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 which 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.'

2.6 For buildings or other land that do not have a current use, the legislation states that land 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.

2.7 It is important to note that if both of the criteria stated at either 2.5 or 2.6 are met, then the Council must add the nominated asset to the List of Assets of Community Value.

3 Main issues

3.1 This report has been based on an assessment of the nomination form, and a site visit by the Leeds City Council case officer.

3.2 The nomination for Wetherby Civic Offices site was received on 23rd February 2017 from Wetherby Civic Society who are a registered charity whose activities are concerned wholly in the area formerly administered by Wetherby Rural District Council. This area was divided into Leeds and Harrogate Districts in 1974. Under section 89 (2)(b)(iii)(b) of the Act the nominator meets the definition of a voluntary or community body eligible to submit a nomination, trigger the moratorium period, bid and purchase the property.

3.3 In the nomination form, Wetherby Civic Society has stated that there are several ways they could fund the purchase of the building such as applications to local, regional and national charitable trusts, fund raising, approaching their bank for a loan, and approaching local organisations or people for financial help.

3.4 For a property to be added to the List of Assets of Community Value, the nominator must demonstrate that a current or 'recent past' non-ancillary use furthers or furthered 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 be brought back into such a use within five years, whether or not in the same way.

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

3.5 The nomination form indicates that Wetherby civic offices is an office space for Leeds City Council staff (including a hot desk zone), ward councillor offices, a social enterprise funded by LCC – Wetherby In Support of The Elderly - and a base for a radio station, Tempo FM. There is also a one stop centre that is open to the public 9am-3pm. As well as this, some of the office spaces are used by the

Civic Society and others for various meetings on an ad-hoc basis. The nomination form also states that there are quite a lot of vacant offices in the building and this was also noted by the case officer on the site visit.

- 3.6 The nomination form does not detail all the services that operate from the civic offices. For clarity, from the site visit it was noted that the one stop centre offers public access to services from Housing Leeds, Adult Social Care, WISE (Wetherby In Support of the Elderly) and a registrar and welfare rights service is also available through a booking system. The one stop centre is open from 9am-3pm Monday to Friday, closing over the lunch time period for an hour. In addition to this the Women's Royal Voluntary Service (WRVS) use a kitchen area to prepare food for a 'meals on wheels' service.
- 3.7 The one stop centre that operates from the site provides a beneficial service to the community, however from the site visit, it was clear that the publically accessed services are ancillary to the predominant office use for LCC staff, ward members and WISE. It is therefore considered by the Leeds City Council case officer that Wetherby Civic Offices does not have a current non-ancillary use that furthers the social interests or social wellbeing of the local community and there has been no such use in the recent past.

Is it realistic to think that a current eligible use could continue or there is a time in the next 5 years when there could be non-ancillary use of the building that will further the social interests or social wellbeing of the local community (whether or not in the same way)?

- 3.8 The nomination form states that it would be realistic to think that the civic offices could fulfil a need for affordable working and meeting space and serve as a focus for the community that is missing from Wetherby. An example given is that currently some groups in Wetherby have to go outside of the town for meetings which it suggests illustrates the limited community space on offer in Wetherby.
- 3.9 The nomination form also states that the Civic offices could be held by a company with a charitable status, or a community interest company or organisation for the benefit of the town. Funding would be raised through various means including crowd funding from the local people.
- 3.10 The case officer concludes that despite the possibility of the building being brought into an eligible non-ancillary use in the future, the current and recent past use criteria for listing as set out in paragraph 88(1) of the Localism Act 2011 has not been met. Therefore the nominated property should not be added to the List of Assets of Community Value and should instead be added to the List of Assets Nominated by Unsuccessful Community Nominations.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 The Council's role is to assess the community nomination against the criteria set out in the Localism Act 2011, therefore no consultation and engagement is necessary.

- 4.1.2 The Executive Member of Communities has been informed of the nomination.
- 4.1.3 Wetherby Ward Members and colleagues in Area Support have been informed of the nomination. No response has been received.

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 Equality, diversity, cohesion and integration considerations do not form part of the eligibility criteria upon which nominations are assessed. However, consideration has been given to ensure that all people have an equal opportunity to nominate assets of community value.

4.3 Council policies and City Priorities

- 4.3.1 The Council has an obligation under the Localism Act 2011 to assess nominations under Community Right to Bid.

4.4 Resources and value for money

- 4.4.1 The Localism Act contains a right to appeal for private landowners, ultimately with them being able to take the Local Authority to a first tier tribunal if they are dissatisfied with a decision on a nomination and are still dissatisfied after a formal internal appeal. If a first tier tribunal finds in the landowners favour, the Local Authority is liable for all costs of the tribunal.
- 4.4.2 The Act also gives private landowners a right to compensation if they incur costs or loss of value directly from complying with the Assets of Community Value legislation. This compensation is payable by the Local Authority.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 The City Solicitor confirms that the conclusions and recommendations in this report represent a reasonable and proper application of the statutory criteria for determining whether the nominated property is an asset of community value.
- 4.5.2 The Head of Asset Management has authority to take the decisions requested in this report under Executive functions 2(o) (specific to the Director of City Development) of the Director of City Development's sub delegation scheme.
- 4.5.3 The proposal constitutes a significant operational decision and is therefore not subject to call in.

4.6 Risk Management

- 4.6.1 The report has no risk management implications.

5 Conclusions

- 5.1 In order to be included on the List of Assets of Community Value, all listing criteria, as laid down in Part 5 Chapter 3 of the Localism Act 2011, must be satisfactorily met.

5.2 The property does not have a current or previous use that furthers the social interests of the local community. It is therefore concluded that the criteria as set out in section 88(1) of the Localism Act 2011 is not considered to have been met and the nominated land should not be added to the List of Assets of Community Value.

5.3 The property should be added to the List of Assets Nominated by Unsuccessful Community Nominations.

6 Recommendations

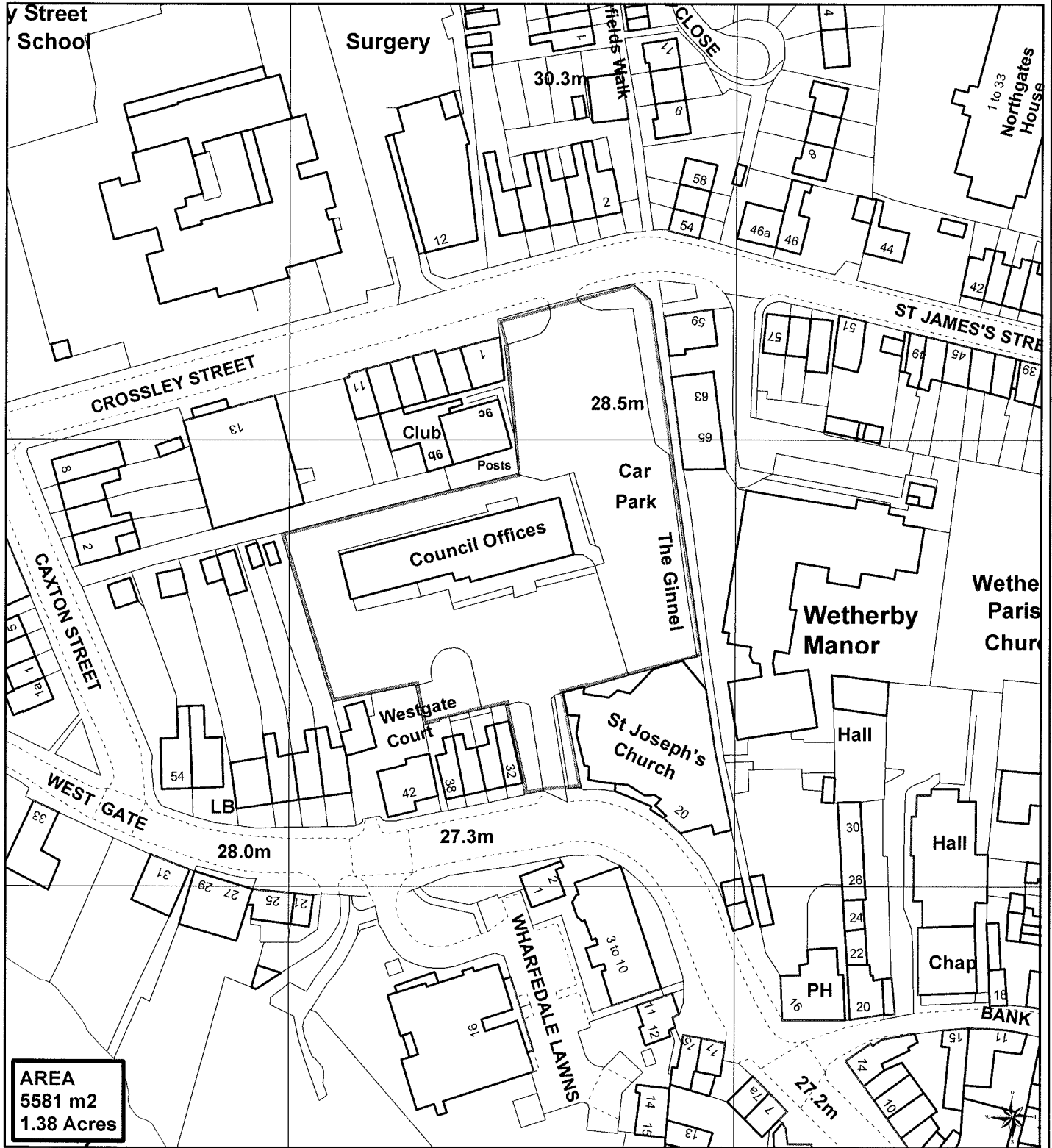
6.1 The Head of Asset Management is recommended to decline the of Wetherby Civic Offices on the basis that the criteria laid down in the Localism Act 2011 has not been met and the property is to be added to the List of Assets Nominated by Unsuccessful Community Nominations.

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

**WETHERBY AREA OFFICE
WESTGATE
WETHERBY
LS22**



AREA
5581 m²
1.38 Acres



Leeds
CITY COUNCIL

PREP BY M. CHRISTIAN
DATE SAVED: 22/09/2015
OS No SE4048SW
SCALE 1:1,250
PLAN No 16716/H

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