


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 DIRECTORⁱ:	Martin Farrington (Director of City Development)		
SUBJECTⁱⁱ:	Community Right to Bid Nomination for Rawdon Community Library, Micklefield Park, New Road Side, Rawdon, LS19 6DD		
DECISION DETAILSⁱⁱⁱ:	The Head of Asset Management has accepted to list Rawdon Community Library, Micklefield Park, New Road Side, Rawdon, LS19 6DD on the List of Assets of Community Value on the basis that the nomination satisfactorily meets 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:	Guiseley & Rawdon		
DETAILS OF CONSULTATION UNDERTAKEN:	Executive Member	Date consulted:	Interest disclosed? ^x <input type="checkbox"/> Yes (Date of dispensation:) <input checked="" type="checkbox"/> No
	Ward Councillor Cllr G Latty Cllr P Latty Cllr P Wadsworth	Date consulted: 21/03/17	Interest disclosed? <input type="checkbox"/> Yes (Date of dispensation:) <input checked="" type="checkbox"/> No

	Others ^x (please specify:) J Maxwell (Area Support)	Date consulted: 21/03/17	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:	Wendy Sharman	Telephone number ^{xii} : 0113 37 87734	
DECISION MAKER / AUTHORISED SIGNATORY ^{xiii} :	 (Name: Angela Barnicle)	Date: 2-05-2017	

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.

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- 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: **25 April 2017**

Subject: **Community Right to Bid Nomination for Rawdon Community Library,
New Road Side, Rawdon, LS19 6DD**

Are specific electoral Wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, name(s) of Ward(s): Guiseley & Rawdon		
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 Rawdon Community Library to the List of Assets of Community Value.
2. The Council has received a nomination from Rawdon Community Library Ltd. They are eligible to nominate the property, trigger the moratorium period, bid for the property and purchase the property if the opportunity arises.
3. The nomination includes the single storey building and dedicated parking spaces.
4. Officers conclude that the property's current use furthers the social interests of the local community and it is realistic to think that this can continue in the future.
5. **Recommendations**

The Head of Asset Management is recommended to add Rawdon Community Library, Micklefield Park, New Road Side, Rawdon, LS19 6DD to the Lists of Assets of Community Value.

1 Purpose of this report

- 1.1 The purpose of this report is for the Head of Asset Management to consider whether Rawdon Community Library should be added to 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.

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 Rawdon Community Library including dedicated parking spaces. The property is located within the Guiseley and Rawdon 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.
- 2.4 Leeds City Council is the landowner and to date no objection to the nomination has been received.
- 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.'
 - 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.'

- 2.9 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.
- 2.10 It is important to note that if either of the criteria stated at 2.8 or 2.9 is 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 Rawdon Community Library was received on 16 March 2017 from Rawdon Community Library Ltd.
- 3.3 Rawdon Community Library Ltd is eligible to submit a nomination to register a property as an Asset of Community Value and to trigger the moratorium in order to make a bid for the property. Rawdon Community Library Ltd or other eligible group could consider funding a purchase of the nominated property if it is marketed for sale.
- 3.4 The aim of Rawdon Community Library Ltd is to preserve the use of Rawdon Community Library as a public library.
- 3.5 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.

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

- 4.1 Rawdon Community Library is currently the only public library in Rawdon. There are over 50 volunteers who operate the library and gain a sense of purpose in giving something back to the community. Volunteers also help to organise summer and Christmas fairs from the library for the community to enjoy.
- 4.2 Rawdon Parish Council, Aireborough Civic Society and a number of local historian groups also regularly use the building for meetings.
- 4.3 It is clear from the information provided and seen at the site visit that Rawdon Community Library is an important venue within the local community.

- 4.4 It is considered by Leeds City Council that the current use does further the social interests and social wellbeing of the local community.

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

- 4.5 Rawdon Community Library is currently open. Nothing has been provided to suggest there are plans to change use or close. Therefore it is realistic to think that the current eligible use can continue.

- 4.6 The criteria for listing as set out in paragraph 88(1) of the Localism Act 2011 is considered to have been met and the nominated land should be added to the List of Assets of Community Value.

5 Corporate Considerations

5.1 Consultation and Engagement

- 5.1.1 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.

- 5.1.2 The Executive Member for Communities has been informed of the nomination.

- 5.1.3 Guiseley and Rawdon ward members and colleagues in area leadership have been informed of the nomination.

5.2 Equality and Diversity / Cohesion and Integration

- 5.2.1 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.

5.3 Council policies and City Priorities

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

5.4 Resources and value for money

- 5.4.1 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.

- 5.4.2 The Act also gives the landowner 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.

5.5 Legal Implications, Access to Information and Call In

- 5.5.1 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.
- 5.5.2 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.
- 5.5.3 The proposal constitutes a significant operational decision and is therefore not subject to call in.

5.6 Risk Management

- 5.6.1 The report has potential risk implications as the landowner is able to request an internal review which could ultimately lead to a first tier tribunal.

6 Conclusions

- 6.1 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.
- 6.2 The property has a current use that furthers the social interest of the local community and it is realistic to think that such a use can continue. Therefore the criteria as set out in section 88(1) of the Localism Act 2011 is considered to have been met and the nominated land should be added to the List of Assets of Community Value.

7 Recommendations

- 7.1 The Head of Asset Management is recommended to add Rawdon Community Library, Micklefield Park, New Road Side, Rawdon, LS19 6DD to the Lists of Assets of Community Value.

8 Background documents¹

- 8.1 Nomination form

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.

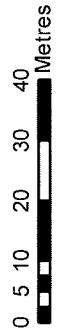
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Leeds
CITY COUNCIL



PREP BY J Sohanpall
 DATE SAVED: 22/03/2017
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