

Report of Asset Management Service

Report to Head of Asset Management

Date: 29 July 2019

Subject: Community Right to Bid Nomination for St Margaret’s Church Hall, Newlay Lane, Bramley, LS13 2AJ

Are specific electoral wards affected? If yes, name(s) of ward(s): Bramley & Stanningley	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, access to information procedure rule number: Appendix number:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Summary

1. Main issues

- In line with the legislation and regulations set out in the Localism Act 2011, this report considers the nomination to add St Margaret’s Church Hall, Newlay Lane, Bramley, Leeds to the List of Assets of Community Value.
- The site as shown edged red on the attached plan, is currently within the ownership of Bramley Parish Parochial Church Council, Anglican Diocese of Leeds and Leeds City Council.
- The nomination form states that St Margaret’s Church Hall was built following a fire which destroyed the Church Institute building and stage in the early 1950’s. The nominator advises that St Margaret’s Church was planned and built as a dual purpose building with a stage and a sprung dance floor to continue the long tradition of producing shows and hosting ballroom dancing for the local community. The stage and the changing rooms were specifically considered to allow the thriving St Peter’s Players to put on frequent plays and productions as well as providing space for the Sunday school and youth group to put on an annual pantomime. From the information provided in the nomination form, it is clear that the site has a long history of community involvement.
- This long standing tradition in Bramley has survived throughout the decades. Now known as Bramley Parish Theatre Players, with the same level of commitment and

enthusiasm from its members, the group are able to produce pantomimes and shows within the local community from the church hall.

- The stage within the church hall is the only one of its size and specific amenities within the local area.
- Furthermore, the hall is used by other local groups on a regular basis. Class Act, a local children's drama group use the hall and stage on a weekly basis. Along with theatre groups, the hall is also used on a weekly basis by the 29th South West Leeds Scout Group as well as the 2nd Bramley Rainbows and Brownies.
- Therefore the site does further the social interests of the local community as set out in paragraph 88(1) of the Localism Act 2011.
- The eligible use is longstanding and there are plans to increase community usage. Nothing has been provided to suggest that such can't continue.
- Bramley Parochial Church Council have submitted a letter objecting to the nomination. They have advised that there is a restriction on the use of the land and that it should be used for 'ecclesiastical purposes' but if there is an approved sale the funds can be used for ecclesiastical purposes within the parish.
- Bramley Parochial Church Council advise in their objection letter that the church and society have changed significantly since the 1950's and a decision has recently been made for them to focus their work from the nearby St Peter's Church, Bramley rather than manage both buildings. A disposal of St Margaret's Church hall is to be investigated and although they may wish to sell to further a community benefit, they are also constrained by charity law that requires them to achieve the best value for the charity.
- 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.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- The Best Council Plan 2018/19-2020/2021 includes the city priority of Safe Strong Communities: Being responsive to local needs and building thriving resilient communities. The objective of Community Right to Bid supports the Best Council Plan priority by giving 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.

3. Resource Implications

- 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

- 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

Recommendations

The Head of Asset Management is recommended to add St Margaret's Church Hall, Newlay Lane, Bramley, Leeds to the List of Assets of Community Value for the reasons set out in this report.

1. Purpose of this report

- 1.1 The purpose of this report is for the Head of Asset Management to consider add St Margaret's Church Hall, Newlay Lane, Bramley, Leeds 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 site is located within the Bramley & Stanningley 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. Councillor Gruen has responded to confirm that she strongly supports the proposal.
- 2.4 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 add St Margaret's Church Hall, Newlay Lane, Bramley was received on 11 July 2019 from Bramley Parish Theatre Players (BPTP)/ Class Act.

3.3 Bramley Parish Theatre Players/ Class Act are an Unincorporated Community Group and are made up of more than 21 members registered to vote in the local area. This information has been checked and confirmed by electors, the group do not distribute any surplus to members and are therefore eligible to nominate the property, but not trigger the moratorium period, bid for the property or legally purchase the property.

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

3.4 Following a fire in the 1950's, St Margaret's Church was planned and re-built as a dual purpose building with a stage and a sprung dance floor. Since this date, the church hall is being used regularly by various local community groups on a weekly basis. The groups using the church hall are Bramley Parish Theatre Players, Class Act Children's Drama Group, 29th South West Leeds Scout Group and the 2nd Bramley Rainbows and Brownies.

3.5 Over the years, the nominating group have continued to improve the stage, lighting and sound (including an induction loop) in order to enhance the experience and ensure wider accessibility to the audience. They would have great difficulty continuing with their work without the use of this building as there is nowhere else locally that meets the needs of their inclusive group.

3.6 Bramley Parochial Church Council have advised that the church and society have changed significantly since the 1950's and a decision has recently been made for them to focus their work from the nearby St Peter's Church, Bramley rather than manage both buildings. A disposal of St Margaret's Church hall is to be investigated and although they may wish to sell to further a community benefit, they are also constrained by charity law that requires them to achieve the best value for the charity.

- 3.7 However officers do not accept this as a basis for an objection to the nomination. 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 as the aim of the Localism Act. 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.
- 3.8 There is a current non-ancillary use of the site that furthers the social interests and social wellbeing of the local community.
- Is it realistic to think there can continue to be a non-ancillary use of building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community?**
- 3.9 St Margaret's Church Hall has been used regularly by various community groups since the 1950's. The nominator advises that there is also the potential in the future for the building itself to be used more frequently during the day by other community users should the church itself ever cease to be used as a consecrated place of worship. Therefore it is realistic to think that the current eligible use could continue.
- 3.10 Bramley Parochial Church Council have advised that there is a restriction on the original conveyance whereby the land is to be used for 'ecclesiastical purposes' only but if there is an approved sale the funds can be used for ecclesiastical purposes within the parish. However the nominating group have advised that St Margaret's Church has a dual purpose and has been used by the community on a regular basis since its construction in the 1950's.
- 3.11 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 site should be added to the List of Assets of Community Value.

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. The owner has been advised of the nomination.
- 4.1.2 The Executive Member for Communities has been informed of the nomination.
- 4.1.3 Bramley and Stanningley ward members and colleagues in area leadership have been informed of the nomination. Councillor Gruen has responded to advise that she strongly supports the nomination.

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 the Best Council Plan

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

Climate Emergency

4.3.2 There are no climate emergency implications relevant to this nomination.

4.4 Resources, procurement 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 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.

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 potential risk implications as the landowners are able to request an internal review which could ultimately lead to a first tier tribunal.

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 land has a current non-ancillary use that furthers the social interests 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.

6. Recommendations

6.1 The Head of Asset Management is recommended to add St Margarets Church Hall, Newlay Lane, Bramley to the List of Assets of Community Value.

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.