**Notice under Section 91 of the Localism Act 2011**

**26th March 2018**

**Entry of Community at 67, The Ground Floor, 67 Queens Road , Keynsham, BS31 2NW into Bath & North East Somerset Council’s list of Assets of Community Value**

1. **Background**

On **12 January 2018** Bath & North East Somerset Council (‘the Council’) received a nomination under Section 89 of the Localism Act 2011 (‘the Act’) to list **Community at 67, The Ground Floor, 67 Queens Road , Keynsham, BS31 2NW** as an Asset of Community Value. The nomination was made by **Community at 67**. A map setting out the boundaries of the asset nominated to be listed (‘The Asset’) is provided *as* an Appendix to this notice.

Under Section 87 of the Act the Council must maintain a list of Assets of Community Value.

Section 88 of the Act states that

(1) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority’s area is land of community value if in the opinion of the authority—

(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.

(2) For the purposes of this Chapter but subject to regulations under subsection (3), a building or other land in a local authority’s area that is not land of community value as a result of subsection (1) is land of community value if in the opinion of the local 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.

Under Section 89 of the Act, the Council can only enter assets into the list of Assets of Community Value in response to community nomination.

1. **Decision-Making Process**

The Council’s Cabinet on October 10th 2012 resolved to agree that:

* 1. Decision-making in response to nominations for entry into the List of Assets of Community Value under the Localism Act 2011 be delegated to the Director of Strategy and Performance (and, in the event of this Divisional Director having a conflict of interest, to a Divisional Director nominated by the Strategic Director - Resources), drawing on the decision-making guidance as set out in Appendix One (of the report).
  2. The Director of Strategy and Performance be delegated decision-making with regard to updating this guidance, in consultation with the Council Leader, in response to experience of implementing the provisions, new regulations and emerging case law.
  3. The internal review process in relation to listing be undertaken by a Divisional Director not involved in the initial decision. (Subsequently, on 5th April 2016, the Divisional Director, Strategy and Performance, made a delegated decision to amend the Council's process for reviewing entries on to the register of Assets of Community Value, so that any Review be undertaken by an officer of appropriate seniority who did not take any part in making the decision to be reviewed, within 8 weeks of request. This bought the process in line with national regulations).
  4. The Divisional Director Property Services be delegated to make arrangements relating to the procedures following listing, including moratorium and compensation provisions, as set out in Appendix Two (of the report).

In accordance with this decision, the Director of Strategy and Performance has now fully considered the nomination in light of the Act and the Assets of Community Value (England) Regulations 2012 (‘the Regulations’). Following this consideration, the Director of Strategy and Performance has decided to enter the property into the Council’s list of Assets of Community Value.

This decision has been taken because:

(1)

a) The Asset lies within the administrative boundaries of Bath & North East Somerset Council and Keynsham South Ward.

b)

c) The nomination from Community at 67 (A Charity) Council includes the matters required under Regulation 6 of the Regulations.

(d) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations.

(e) The nomination form sets out the reason for nominating the Asset, explaining why the nominator believes the Asset meets the definition in the Act.

and

(2) in the opinion of the Authority,

(a) The actual current use of the Asset that is not an ancillary use furthers the social wellbeing and interests of the local community;

(b) Given that the Asset remains fit for purpose to further the social interest and social wellbeing of the local community, it is realistic to think that the current non-ancillary use of the Asset will continue to further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

The detailed assessment on which this decision is based, following the criteria adopted by the Council Cabinet on 10th October 2012, and fully considering information supplied by the nominee and other parties is set out in 4 below.

1. **What Happens Next**

The Asset will now be placed on the list of Assets of Community Value which the Council is required to maintain under Section 87 of the Act.

In accordance with Section 91 of the Act the Council will send this notice to:

The owner of the property - Curo

The occupiers of the property – Community at 67

Keynsham Town Council

The information will also be published on the Council’s website. The Asset will remain on the Council’s List of Assets of Community Value for a period of five years from the date of this notice unless removed with effect from some earlier time in accordance with the provisions of the Regulations.

The Act requires that the Council draw particular attention to the following:

(a) the consequences for the land and its owner of the land’s inclusion in the list, and

(b) the right to ask for review.

The consequences for the land and its owner of the land’s inclusion in the list

Inclusion of assets on the List of Assets of Community Value is a local land charge under the Local Land Charges Act 1975. The Council is required under Schedule 4 of the Regulations to apply to the Land Registry for a restriction to be added to the registered title of the land that “no transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene Section 95(1) of the Localism Act 2011”.

Under Section 95 of the Act an owner must notify the Council (at the following address: Divisional Director, Property Services, Lewis House, Manvers Street, Bath BA1 1JG) if they wish to enter into a relevant disposal (as defined in Section 96 of the Act) of that asset. Some types of disposal of listed assets are exempt and these are set out in full in Annex A of the document Community Right to Bid: Non-statutory advice note for local authorities. Annex A also identifies circumstances where, although there is no requirement in the legislation that the owner has to explain to the local authority that the disposal is exempt, it would be helpful for them to do so.

A moratorium period is triggered by notification under Section 95 to allow a Community Interest Group to submit a written request to be treated as a potential bidder for the asset. The owner is advised to refer to Part 5 Chapter 3 of the Act and the Regulations in full and to seek legal advice if they wish to dispose of the asset. A disposal of listed land which contravenes the Regulations and Act will be ineffective.

The owner of the asset does not have to sell the asset to the Community Interest Group. There is also a ‘protected period’ (18 months from the time that the owner notified the local authority of their intention to dispose of the asset) and during this time there can be no further moratoriums on sale and the owner is free to dispose of the property as they see fit.

The right to ask for review

Asset owners have the opportunity to request a review of the decision to enter an asset on the List of Assets of Community Value, within 8 weeks of listing. The internal review process in relation to listing will be undertaken by a officer of appropriate seniority who did not take part in the initial decision.

Landowners wishing to request a review of the decision should do so in writing to the above address or to assets@bathnes.gov.uk by 21st May 2018, setting out the grounds for review and whether they are requesting an oral hearing.

Private owners may claim compensation for loss and expense incurred through the asset being listed including a claim arising from a period of delay in entering into a binding agreement to sell which is wholly caused by the interim or full moratorium period. Regulation 14 of the Regulations contains more detail on this.

Part 5, Chapter 3 of the Act and the [Regulations](http://www.legislation.gov.uk/ukdsi/2012/9780111526293/contents) provide further detailed information.

1. **Detailed Assessment of the Nomination of Community at 67, The Ground Floor, 67 Queens Road , Keynsham, BS31 2NW, as an Asset of Community Value**

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| **Assets of Community Value Nomination – Assessment** | | | |
| DATE OF SUBMISSION: | **12th January 2018** | DATE DECISION TO BE MADE BY: | **26th March 2018** |
| NOMINATED ASSET: | The boundary of the asset is set out in the boundary map attached as an Appendix. | | |
| NOMINATION SUBMITTED BY: | **Community at 67 (A Charity)** | | |

**STEP A: This section considers the eligibility of the nominating body to make a nomination and of the asset to be an Asset of Community Value. It does this through a series of YES/NO answers.**

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| **A1.** Is the nominating organisation an eligible body to nominate? | |
| Evidence supplied by nominee: | Yes - **Community at 67** – (d) a charity – Reg Charity 1163103 |
| Feedback from other parties and other information gained in relation to this criterion: | None |
| Score (YES/NO) and any comments: | **YES** - The Council is satisfied that the nominating body is an eligible body to nominate; under Regulation 5(1)(b) it is a Charity. |

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| **A2.** Does the nominating body have a local connection to the asset nominated? | |
| Evidence supplied by nominee: | From evidence supplied by the nominee, it is clear that the  Community at 67 (A Charity) are based at 67 Queens Road who lease the premises from Curo Housing Association who own the premises.  Activities are wholly concerned with the local authority’s area.The submitted map shows that the Asset is sited wholly within the boundaries of Bath and North East Somerset and the Keynsham South Ward.  Yes –  The details below were included in the Community at 67 Annual Report for 2016/2017 which was provided:  Community at 67 was established in 2011 to deliver the needs and aspirations of the local community when the old Post Office in Queens Road was converted from a shop to a community resource centre. In 2015 Community at 67 became a registered charity and this report covers the period April 2016 to March 2017.  Community at 67 is a totally volunteer run service that works with individuals and agencies in Keynsham and the surrounding areas to help create a better environment that will lead to a better community for all. Organisations that work with us will find us supportive, trustworthy and willing to work with them to deliver shared objectives.  Community at 67 is located in Keynsham South and our centre is in a well-used rank of shops which are the centre of community life. In 2015 the centre was extended and we now have a reception area, radio recording studio, well fitted out kitchen and meeting room.  The Constitution of Community at 67 was provided and sets out the locality of the organisation and their local connections. |
| Feedback from other parties and other information gained in relation to this criterion |  |
| Score (YES/NO) and any comments: | **YES**- The Council is satisfied that the nominating organisation has a local connection to the nominated asset. |

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| **A3.** Does the nomination include the required information about the asset?   * Description of the nominated land including its proposed boundaries * Names of current occupants of the land * Names and current or last-known addresses of all those holding a freehold or leasehold estate in the land | |
| Evidence supplied by nominee: | A plan of the nominated premises that was provided including the proposed boundary and the name and address of the current leaseholder and freeholder of the nominated asset were also supplied.  Yes   1. A description of the asset is provided along with a map that shows the outline of the building and a floorplan for the ground floor that is occupied by Community at 67. 2. This asset is part of a building that is a rank of shops with flats above. 3. (i) The occupants (and leaseholders) are Community at 67   (ii) The owners are Curo Group – The Maltings Lower Bristol Road Bath |
| Feedback from other parties and other information gained in relation to this criterion: | Legislation suggests that this listing would be treated as a partial ACV. This would mean that it would only be evoked should the individual premises be placed on the market. If the whole building was to be sold then the ACV would not be able to be enforced. |
| Score (YES/NO) and any comments: | **YES**- the Council is satisfied that the nomination has included the required information about the asset. |

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| **A4.** Is the nominated asset outside of one of the categories that cannot be assets of community value (as set out in Schedule 1 of the Assets of Community Value (England) Regulations 2012)?:   * A residence together with land connected with that residence * Land in respect of which a site licence is required under Part 1 of the Caravan Sites and Control of Development Act 1960 * Operational land as defined in section 263 of the Town and Country Planning Act 1990. | |
| Evidence supplied by nominee: | Nomination and supporting evidence sufficiently demonstrates that the asset is outside of the categories of assets within Schedule 1 of the Regulations, as the nominated asset is a community hub. |
| Feedback from other parties and other information gained in relation to this criterion: | None |
| Score (YES/NO) and any comments | **YES**- the Council is satisfied that the nomination is outside of of the categories that cannot be Assets of Community Value |

**If YES to all of Part A, move on to Step B. If NO to one or more parts, please inform the nominator that the nomination is ineligible. Place nomination on list of unsuccessful nominations.**

**STEP B: This section considers the current or recent usage of the asset. It does this through a YES/NO answer and an identification as to whether the use is current or in the “recent past”**

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| **B1.** Is the current or recent usage which is the subject of the nomination an actual and non-ancillary usage?   * NOTE 1: A working definition of “non-ancillary” is that the usage is not providing necessary support (e.g. cleaning) to the primary activities carried out in the asset, but is itself a primary, additional or complementary use. | |
| Evidence supplied by nominee: | The Nomination includes the following:  The asset is and has been used by the Community at 67 which was established in 2011. The current use is a Community Centre – full details are listed on the website [www.community67.org](http://www.community67.org)  A typical week sees the centre provide  IT sessions to help people get online  Lunch Club for local people  Meeting space for a wide range of local groups  Delivery of Community learning courses  Provision of space to allow other organisations deliver their services (e.g. drug and alcohol advise services) |
| Feedback from other parties and other information gained in relation to this criterion: | Curo (The property own) responded to the notification to nominate an ACV letter which was dated 5th February 2018:    Having reviewed the documents and the property file, we can confirm the unit is considered a commercial premises. We acknowledge that the current tenant is a charity (with which we are currently looking at renewing the lease), however it was previously let as a post office. When the property is vacated, it will revert back to commercial use.    We hope this helps in making your decision, and should you require any further information, please do not hesitate to contact us.    Glenn Parr AIRPM  Property Manager |
| Score (YES/NO) and any comments: | **YES**  The **current** usage which is the subject of the nomination is an actual and non-ancillary usage. |

**If the current or recent usage that is the subject of the nomination is actual and non-ancillary, go to Step C. If not, place on the list of unsuccessful nominations.**

**STEP C: This section considers whether the use furthers (for current uses) or furthered (for uses in the recent past) the social interests or social wellbeing of the local community. It does this through a series of questions scored on the basis of evidence.**

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| **C1.** Who benefits from the use?   * Does it meet the social interests of the community as a whole and not simply the users/customers of the specific service? * Who will lose if the usage ceases? | Evidence provided by nominee | **The Nomination form includes the following:**  The aim of Community at 67 is to achieve excellence for our residents and their communities, ensuring Keynsham continues to be a great place to live and work. It serves as a base for the local community in the immediate area of the centre. It is regarded as a safe and neutral venue where people are treated with respect and forms an integral part of the community. This is evidenced by the range of people who use the centre and the fact that many other charities, NHS and Council departments choose to use Community at 67 as their base to deliver their community based services. Anyone can use the centre but we encourage people to join (free of charge) in order that we can communicate with them about the centre’s activities. Community at 67 currently have 60 members and about 50 people use the centre each week – these are people of all ages, gender and disabilities  The centre is run entirely by volunteers who give about 200 hours a week in a range of capacities – running groups, cleaning, management, cooking etc. Based on recognised measures the value of volunteering is around £400,000 p.a. (HLF source). The centre is run by the charity trustees supported by a management board, all members live locally.  Community at 67 has invested almost £100,000 in the centre to make it fully accessible and to provide a bright and welcoming environment with good facilities including a well equipped kitchen, meeting room and radio recording studio.  The impact of the centre is seen through feedback from members – in the 2016 annual report one member is quoted ““*I’ve lived here 50-odd years and this is the best thing that ever happened to this area*”  **Impact**  **Health and wellbeing**  The centre is used by Community at 67 for a range of activities as described above, these support the health and wellbeing of the community through   1. Reducing isolation – through arranging activities single people are able to meet other people within the community 2. Offering space for health-related organisations – DHI, Sirona 3. Running training sessions – in 2017 sessions were held for local volunteers on mental health, dementia and domestic violence   **Local environment**  Community at 67 was recognised by Britain in Bloom as playing a major role in improving the environmental round the shops through installing planters in conjunction with local schools. These have made a significant improvement to the area in front of the shops where Community at 67 is located  **Recreational activities**  A range of recreational and cultural activities are run at Community at 67 including talks on local history and a Spanish class  The centre operates a number of host activities every week.   * Internet Café * Lunch Club * Employment and skills * Keynsham Town Community Radio * Coffee and Craft * Young people ‘s brunch club * Scrabble club * Maths Club * Silent Illness Keynsham * Keynsham Older People’s Social * Cards for fun * Food Co-operative   Other agencies hire of the space which helps support the objectives of the charity which is of benefit to the community as a whole.  Who will lose if the usage ceases?  All of the groups and the agencies use or hire the space at 67 Queens Road.  The wider community that feels the benefits from the work that takes place at Community at 67. |
| Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council) | None |
| Enter score out of 25 and rationale | 25 |
| **C2.** Is any aspect of the usage actively discouraged by the Council’s Policy and Budget Framework? | Evidence provided by nominee | The Annual Report and Contitution for Community at 67 and Application indicates that there is no evidence that the usage is actively discouraged by the Council’s Policy and Budget framework |
| Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council) | None |
| Enter score out of 25 and rationale | 25 |
| **C3.** Why is the usage seen as having social value in the context of the community on whose behalf the nomination is being made? | Evidence provided by nominee | **The Nomination includes the following:**  The users of the centre are local and predominantly situated in an area where this resource provides valuable support to a community that sits in the most disadvantaged Ward in Keynsham. |
| Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council) | Support received from the B&NES Councillor for Keynsham South:  *“I would wish to whole heartedly support their application.*  *This community hub has been grown from nothing to a point where it delivers a whole raft of community involvement events as well as providing a meal for the older members of the community every Friday, breakfast clubs and brunch clubs during the school holidays for children, IT lessons, craft groups and a home to the local community radio station, plus much more. I would say that it is now vital to the community of the town particularly as it is based in the centre of the two most disadvantaged wards in the town”.*  Cllr Alan Hale  B&NES Keynsham South Ward. |
| Enter score out of 25 and rationale | 20 |
| **C4.** How strongly does the local community feel about the usage as furthering their social interests? | Evidence provided by nominee | **The Nomination includes the following:**  The centre has worked with BANES, Keynsham Town Council to help meet community needs through the centre. The centre was established following major consultation and other surveys have supported the value of the asset. It has recently been included as one of the community assets within the consultation for the Keynsham Neighbourhood Development Plan.  Local B&NES and Keynsham Town Councillors are represented on the management committee and B&NES ward members funding has been used to add value to the centre.  In 2013 B&NES Council awarded £80,000 to Community at 67 from the s106 Tesco Development to enable the centre to be extended to include improved kitchen and meeting room facilities. The project was able to demonstrate throughout this process that it was meeting a community need and this was supported through the successful award of the funding |
| Evidence gained from other relevant sources (owner, Ward member, Parish Council, B&NES Council) | Support received from the B&NES Councillor for Keynsham South:  Over the seven years since coming in to being Community at 67 has seen huge support through volunteers and others within the community.  *“I totally endorse the application. The narrative is correct. 106 Monies and other grants from the Town Council amongst others have created an environment which is cherished by users and fulfils a valuable role in the local community. It is also currently the home of Keynsham community radio”.*  Cllr Lisa O’Brien  B&NES Keynsham South Ward  Support has been received from Keynsham Town Council  *“The Town Council support this application as agreed at its meeting of 20th February 2018”.*  *Kind regards*  Dr Cheryl Scott  Town Clerk  Keynsham Town Council |
| Enter score out of 25 and rationale | 20 |
| **Total score:** | **90 / 100** | |

**If STEP C meets a minimum scoring of 55%, go to Step D**

**STEP D: This section considers whether 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.**

For assets such as this where the actual non-ancillary usage is a **current** one (see Step B above), 88(1) (b) of the Act requires the Council to consider whether in the opinion of the local authority **it is realistic to think that there can continue to be non-ancillary use of the building or other land that will further (whether or not in the same way) the social wellbeing or social interests of the local community**.

This will be considered through the following tests:

* If the asset is considered to remain fit for purpose (under D1 below), then this is considered to be sufficient grounds for thinking that it is realistic to think that continuing use of the asset will further the social wellbeing or social interests of the local community identified in Step C above.
* If the building is not considered to remain fit for purpose under D1, then an additional Test (under D2 below) will be applied to determine whether the asset could be made fit for purpose practically and within reasonable resource requirements and within timescales. The timescales to be applied for this to take place for assets with “recent usage” will be “within the next five years”.

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| **D1.** Has the building/land-take/space/legal requirement for this usage changed significantly since its initial use so that the asset is not fit for purpose? | |
| Evidence supplied by nominee: | No.  Since moving into the property in 2011 the reach to the community has increased its reach and the social impact being made has become greater.  The Centre was a shop and Post office before it was taken over by Community at 67 in 2011. |
| Feedback from other parties and other information gained in relation to this criterion: | None |
| Score (YES/NO) and rationale | No |

**If No to D1, place on register of Assets of Community Value, and do not go to D2. If Yes to D1, go to D2.**

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| **D2.** Could the asset be made fit for purpose practically and within reasonable resource requirements and within timescales? | |
| Evidence supplied by nominee: | Not applicable |
| Feedback from other parties and other information gained in relation to this criteria: | Not applicable |
| Score (YES/NO) and Rationale: | Not applicable |

**If yes to D2, place on register of Assets of Community Value. If no to D2, place on list of unsuccessful nominations.**

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| **RECOMMENDATION:** | **THAT THIS ASSET BE PLACED ON THE ASSETS OF COMMUNITY VALUE** |
| **REASON FOR DECISION** | (1)  a) The Asset lies within the administrative boundaries of Bath & North East Somerset and Keynsham South Ward.  b) **Community at 67 (A Charity)** is entitled under 89(2)(b)(iii) of the Act to make a community nomination in respect of the Asset.  c) The nomination from includes the matters required under Regulation 6 of the Regulations.  (d) The Asset does not fall within a description of land which may not be listed as specified in Schedule 1 of the Regulations.  and  (2) in the opinion of the authority,  (a) The actual current use of the Asset that is not an ancillary use furthers the social wellbeing and interests of the local community.  (b) Given that the Asset remains fit for purpose to further the social interests and social wellbeing of the local community, it is realistic to think that the current non-ancillary use of the Asset will continue to further (whether or not in the same way as before) the social wellbeing or social interests of the local community. |
| **Decision Taken by** | David Trethewey  Divisional Director  Strategy and Performance  Bath & North East Somerset Council |
| **Date** | 26th March 2018 |