

**Notice of public meeting of  
Decision Session - Cabinet Member for Finance, Performance &  
Customer Services**

**To:** Councillor Williams

**Date:** Thursday, 6 March 2014

**Time:** 4.00 pm

**Venue:** The Thornton Room - Ground Floor, West Offices (G039)

**AGENDA**

**Notice to Members - Calling In:**

Members are reminded that, should they wish to call in any item\* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday 10 March 2014.**

\*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent which are not subject to the call-in provisions. Any called in items will be considered by the Corporate and Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by **5.00pm on Tuesday 4 March 2014.**

**1. Declarations of Interest**

Members are asked to declare:

- Any personal interests not included on the Register of Interests
- Any prejudicial interests or
- Any disclosable pecuniary interests

which they may have in respect of business on this agenda.

**2. Minutes** (Pages 1 - 2)

To approve and sign the minutes of the meeting held on 20 December 2011.

**3. Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday 5 March 2014**. Members of the public can speak on agenda items or matters within the remit of the Cabinet Member.

To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

**Filming or Recording Meetings**

*Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.*

*The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at*

*[http://www.york.gov.uk/downloads/download/3130/protocol\\_for\\_webcasting\\_filming\\_and\\_recording\\_of\\_council\\_meetings](http://www.york.gov.uk/downloads/download/3130/protocol_for_webcasting_filming_and_recording_of_council_meetings)*

**4. Review of Applications for Community Right to Bid under the Localism Act 2011** (Pages 3 - 34)

The Assets of Community Value (England) Regulations 2012 are now in force and require the local authority to maintain a list of "Assets of Community Value". This report sets out the requirements of these regulations and proposals for establishing and maintaining this list and the process for dealing with any applications. It also presents the first applications for listing of assets for consideration by the Cabinet Member.

**5. Urgent Business**

Any other business which the Cabinet Member considers urgent under the Local Government Act 1972.

Democracy Officer:  
Name: Jayne Carr  
Contact Details:  
Telephone – (01904) 552030  
Email – [jayne.carr@york.gov.uk](mailto:jayne.carr@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

**我們也用您們的語言提供這個信息 (Cantonese)**

**এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)**

**Ta informacja może być dostarczona w twoim własnym języku. (Polish)**

**Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)**

**یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)**

**☎ (01904) 551550**

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City of York Council

Committee Minutes

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MEETING	DECISION SESSION - CABINET MEMBER FOR CORPORATE SERVICES
DATE	20 DECEMBER 2011
PRESENT	COUNCILLOR GUNNELL

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#### **11. DECLARATIONS OF INTEREST**

The Cabinet Member was invited to declare any personal or prejudicial interests she might have in the business on the agenda. None were declared.

#### **12. MINUTES**

RESOLVED: That the minutes of the Decision Session held on 18 October 2011 be approved and signed by the Cabinet Member as a correct record.

#### **13. PUBLIC PARTICIPATION**

It was reported that there were no registrations to speak under the Council's Public Participation Scheme.

#### **14. CUSTOMER FEEDBACK POLICY**

The Cabinet Member considered a report that presented a revision of the council's Customer Feedback Policy for approval.

The policy incorporated changes as identified in a review of complaints by the Effective Organisation Overview and Scrutiny Committee published on 21 January 2011.

The Cabinet Member was also asked to consider a further amendment to include a new five day response deadline for Stage 1 complaints in line with a Cabinet priority for 2011/12. The Cabinet Member confirmed that the timescales for each stage of the feedback process should be as follows:

- Stage 1 – 5 day response
- Stage 2 – 15 day response
- Stage 3 – 20 day response

The Cabinet Member noted that it was proposed that the policy would be entitled, “Customer Feedback Policy”. She expressed reservations that this may make it more difficult for customers to find out how to make a complaint. To improve accessibility she suggested that the policy be entitled “Customer Complaints and Feedback Policy”.

RESOLVED: That the revised Customer Complaints and Feedback Policy, as recommended by the Effective Organisation Overview & Scrutiny Committee on 21 January 2011, be approved with the following amendments in respect of the timescales for each stage of the feedback process:

- Stage 1 – 5 day response
- Stage 2 – 15 day response
- Stage 3 – 20 day response

REASON: To ensure that the council has effective policies and procedures in place to consider feedback from customers and that these are responded to in a timely way.

Cllr Gunnell – Cabinet Member for Corporate Services  
[The meeting started at 4.30 pm and finished at 4.50 pm].

6<sup>th</sup> March 2014

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## **Cabinet Member Decision Making session – Finance Performance and Customer Service**

Report of the Assistant Director of Finance, Asset Management and Procurement

### **Review of applications for Community Right to Bid under the Localism Act 2011**

#### **Summary**

1. The Assets of Community Value (England) Regulations 2012 are now in force and require the local authority to maintain a list of 'Assets of Community Value'. This report sets out the requirements of these regulations and proposals for establishing and maintaining this list and the process for dealing with any applications. It also presents the first applications for listing of assets for consideration by the Cabinet Member.

#### **Background**

2. The Localism Act 2011 received Royal Assent in November 2011 and contained a number of provisions relating to new community rights. One of these is the 'Community Right to Bid' and this part of the Act (Part 5 Chapter 3) and the subsequent Assets of Community Value (England) Regulations 2012 have now come into force.
3. The purpose behind these provisions is to ensure that property (land and building) assets which are currently used to the benefit of the local communities are not disposed of without the local community being given a fair opportunity to bid for these assets when they are put on the open market. This right is not simply to accommodate 'public assets' but also private assets, the test is whether such assets are viewed as 'assets of community value'. These assets therefore could be currently owned by the public, private or voluntary sector.
4. The definition of 'community value' is set out in the regulations and can be summarised as

- The actual current use of the building/land furthers social well being or the social interests of the local community
  - Realistically this use can continue for the next 5 years
  - There was a time in the recent past where actual use furthered these aims.
5. There is no exhaustive list of what is considered to be an asset of community value but cultural, recreational and sporting interests are included. Excluded specifically are residential type properties (such as hotels, housing in multiple occupation and residential caravan sites) and operational land of statutory undertakers.

### The process

6. The regulations set out how potential assets can be listed which in brief is as follows:
- **Nomination** – this can be by a voluntary or community body with a local connection. Includes parish councils, neighbourhood forums, charities, community interest groups but excludes public or local authorities (except parish councils). The nomination needs to include specific information – description, name of occupiers and owners, reasons for ‘community value’, evidence of validity of nominator.
  - **Consideration** – the local authority has 8 weeks to make the decision which is decided by an ‘appropriate group’. It is suggested that this ‘appropriate group’ is the Capital and Asset Board (CAB) which is already in operation and has cross-Council representation at a senior level (the Board is chaired by the Director of Customer and Business Support Services). The Capital and Asset Board will make a recommendation to the Cabinet Member for Finance Performance and Customer Service who will then formally take the decision. If the nomination is successful the asset details are entered onto the ‘Community Value list’ – see below – and also the local land charges register. If unsuccessful then the details are entered onto an ‘unsuccessful nominations’ list for a period of 5 years to prevent repeat nominations. The owner can request a review of the decision which must be completed within 8 weeks and the owner can further appeal within 28 days of the review outcome to a Tribunal.
  - **The ‘Assets of Community Value’ List** – this needs to be published and reviewed regularly and must be accessible in electronic and paper format. It is suggested that a paper copy is kept at West Offices and

there is easy access to the electronic format on the Council's website. It is also suggested that the list is maintained by City and Environmental Services Directorate within their planning and land charges function. The review of the list will be a function of the Capital and Asset Board. Entries are removed if an asset is sold, there is a successful appeal or after 5 years.

- **Disposal of assets on the list** – if a building or piece of land which is on the list is going to be sold with vacant possession then the owner of the asset needs to give notice to the local authority. There is then a 6 week moratorium period for any community group to express interest in writing and if they do then a 6 month period for that group to prepare its bid. After that period the owner can market the property and any bid from the community group will be considered with bids from other interested parties. There is no guarantee that the offer from the community group will be successful as the owner of the asset will dispose of the property in accordance with its own criteria for disposal.
  - **Compensation** – the presence of the land or building asset on the community value list may result in additional expenditure or a loss to the owner and therefore the owner can apply for compensation from the local authority. The figure is limited to costs or losses incurred only whilst the asset is on the list and could include such items as legal expenses for appeals, costs relating to the delay in the sale (such as maintenance, security, utility costs, loss of value). This compensation is determined by the local authority (it is suggested that this is carried out by the Capital Asset Board) and the owner can have the compensation reviewed within 8 weeks and appeal to a Tribunal if still not satisfied. It should be noted that compensation can only be claimed by private owners (no compensation for public authorities) and the government has not provided any funding for this compensation (or for any costs associated with any of these provisions).
7. The part of the Localism Act and Regulations detailed above are in force and therefore the Council needs to establish the List and implement the process outlined above. The Council needs to ensure that the List of Assets of Community Value is publicised and made easily accessible and that community groups and the public are aware of how nominations can be made and how the process works.
  8. The introduction of this legislation may possibly delay the sale of any asset which is on the list for at least 6 months if the community expresses an interest in it. For City of York Council this will mean a potential delay in

obtaining any capital receipt to fund the capital programme which will increase borrowing requirements. However this is only a short delay (the original proposal was for 12 months) and with so many other factors (such as market conditions, planning etc.) causing potential delay on disposal of assets the impact will be minimal

9. It could have an affect on the capital receipt obtained as the fact that the asset is on the list could dissuade other organisations and companies from bidding for the property as they would be in 'competition' with a community group. Again it is felt this will only be a minimal impact and will only apply to assets that satisfy the criteria for listing.
10. As detailed above there are a number of costs associated with this process including any compensation costs (see para 6). No funds are being allocated from central government and therefore any costs will need to be funded from the Council's own reserves. The amount of these is unknown.

### **Applications for Listing Community Assets**

11. The Council has just received a number of bids for placing assets on the Community Asset List. The full applications are attached as Annexes and a summary of the bid and the recommendation of the Capital Asset Board is set out below.

### **Golden Ball Community Pub**

12. The freehold of the Golden Ball is owned by Enterprise Inns. The lease of the Pub was bought last year by a group of individuals who have established a co-operative to run the pub. They operate the pub but also organise a wide range of community activities such as debates, live music, theatre, fresh bread selling and community picnics. They have applied to add the property to the List of Community Assets. The Co-op are keen to buy the freehold should it be sold to ensure the long term future of the community pub. The response of the owner of the freehold is being sought and will be tabled at the meeting.
13. There is significant precedent set elsewhere in the country from other authorities who have accepted pubs onto the list even where they are currently run as commercial businesses. Given that the Golden Ball has a distinct community focus the application clearly fits the criteria of the legislation and the Capital Asset Board recommend that the Cabinet

Member agrees the acceptance of the Golden Ball onto the List of Community Assets.

### **Fordlands Road - Former Elderly Persons Home (EPH)**

14. Fulford Parish Council have applied to add the former Fordlands Rd Elderly Persons Home, owned by City of York Council, onto the list. The application sets out a plan to seek funding to buy the building and adjoining land and convert the former residential home into a community centre dedicated to celebrating local culture, local history and local nature conservation by creating a meeting room and making exhibition rooms available to local interest groups. The plans would create a visitor centre and starting point for walks around the site of the Battle of Fulford for battle field tourists and local residents. The site could also play a role in spreading further knowledge about for example the rare Tansy Beetles that inhabit Fulford's village green.
15. We have not found any precedent of listing care homes and the legislation specifically excludes residential properties. As a care home the building did not offer any other broader facilities to the local community. It provided a home to elderly people from across the city. Its use was therefore residential and as such it does not meet the criteria set out in the legislation. The Capital Asset Board therefore recommends that this property is not added to the List of Community Assets.

### **Council Plan**

16. The Community Right to Bid provisions are part of the Localism Act 2011 which supports the rights of local communities to be involved in their local areas. It also can support the Council Plan Priority 3 – Building Strong Communities – by giving local communities and voluntary organisations the potential to have a say in the development of community assets to maximise the benefit to them. The Council's Corporate Asset Management Plan 2011-2015 also has a strong emphasis on Localism and the Council already has a Community Asset Transfer Policy in place in dealing with its own community assets.

### **Implications**

17. **Financial** – as detailed in this report there are costs involved in setting up and maintaining the list of Assets of Community value as well as dealing with any nominations. These can be met from existing budgets.

However there is also a requirement for the local authority to fund any compensation costs which are awarded and there is currently no budget for these costs.

**Human Resources (HR)** – none

**Equalities, Crime and Disorder and IT** - none

**Legal** – the Localism Act 2011 sets out the framework which is outlined in this paper. The Council will need to comply with this which is in force now.

**Property** – all implications are contained in this report.

**Other** - none

### **Risk Management**

18. As there is a legislative requirement to implement a Community Right to Bid process there are no significant risks as there is no option but to implement.
19. The potential risks to obtaining capital receipts – both in terms of timing and amount are set out in this report but in both cases this is felt to be **LOW**.

### **Recommendations**

20. The Cabinet Member is asked to agree the proposals for the implementation of a process for the Community Right to Bid legislation as outlined in this report

Reason: To ensure the Council has a process in place for dealing with any applications and the establishment and maintenance of a list of Assets of Community Value

21. The Cabinet Member is asked to decided whether to add The Golden Ball Bishophill onto the List of Community Assets

Reason: To ensure the Council meets its legislative requirements under the Localism Act 2011 and promotes community access to community facilities.

22. The Cabinet Member is asked to decide whether to add Fordlands Road Elderly Persons Home to the List of Community Assets

Reason: To ensure the Council meets its legislative requirements under the Localism Act 2011 and promotes community access to community facilities.

### Contact Details

**Author:**

Phillip Callow  
Title Head of Asset Management  
Dept Name Property  
Tel No.553360

Chief Officer Responsible for the report:

Tracey Carter  
Title - AD Finance Property  
Procurement

**Report  
Approved**



**Date** 26.02.2014

**Specialist Implications Officer(s)**

Implication Legal  
Name Andy Docherty  
Assistant Director Governance and ICT  
Tel No. 551004

**Wards Affected:** *List wards or tick box to indicate all*

**All**

**For further information please contact the author of the report**

### Annexes

Annex 1 – Golden Ball – Bishophill – Application to add to the List of community assets

Annex 2 – Fordlands Rd former Elderly Persons Home - Fulford – Application to add to the List of community assets

Annex 3 – Guidance to bidders

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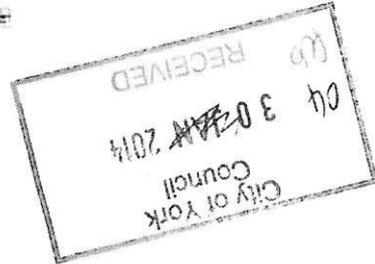
Joe West  
30 Emperors Wharf  
Skeldergate  
York YO1 6DQ



Tel: ~~01904 070007~~

Email: ~~[redacted]~~

Philip Callow  
Head of Assets & Property Management  
York City Council  
c/o West Offices  
Station Rise  
York YO1 6GA



3<sup>rd</sup> February 2014

Dear Mr Callow

**Re: Request for registration of 'The Golden Ball', 2 Cromwell Road, York as an Asset of Community Value**

I refer to your email of 28<sup>th</sup> January. Unfortunately my attempts to complete the form electronically were thwarted by something I was unable to fathom.

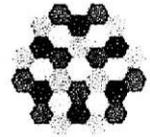
Therefore please find enclosed a partially hand written hard copy. I hope this can be considered by the Council's Capital and Assets Board on 6<sup>th</sup> March.

Once again, many thanks for your help and do please contact me if you require any further information.

Yours sincerely

J W West (Mr)

*Need to write to  
use freehold law*



## Official copy of register of title

Title number NYK404907    Edition date 19.03.2013

- This official copy shows the entries in the register of title on 11 June 2013 at 11:14:27.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 11 June 2013.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website [www.landregistry.gov.uk](http://www.landregistry.gov.uk) or Land Registry Public Guide 1 - *A guide to the information we keep and how you can obtain it.*
- This title is dealt with by Land Registry Durham Office.

### A: Property register

This register describes the land and estate comprised in the title.

YORK

- 1 (19.03.2013) The Leasehold land shown edged with red on the plan of the above title filed at the Registry and being 2 Cromwell Road, York (YO1 6DU).
- 2 (19.03.2013) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
 

Date	: 24 May 2002
Term	: 30 years from 28 August 1992
Parties	: (1) Unique Pub Properties Limited
	(2) Donald Butler

NOTE 1: The original lease dated 28 October 1993 referred to in the above lease was not registered.

NOTE 2: A copy of the original lease is filed.
- 3 (19.03.2013) By a Deed dated 12 November 2012 made between (1) Unique Pub Properties Limited and (2) The Golden Ball Co-Operative Limited the terms of the registered lease were varied.
 

NOTE: Copy Deed filed.
- 4 (19.03.2013) The landlord's title is registered.

Title number NYK404907

### **B: Proprietorship register**

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

#### **Title absolute**

- 1 (19.03.2013) PROPRIETOR: THE GOLDEN BALL CO-OPERATIVE LIMITED (Industrial and Provident Society No. IP31654R) of 2 Cromwell Road, York YO1 6DU.
- 2 (19.03.2013) The price stated to have been paid on 12 November 2012 was £39,999.
- 3 (19.03.2013) The covenant implied under section 4(1)(b) of the Law of Property (Miscellaneous Provisions) Act 1994 in the disposition to the proprietor is modified.

### **C: Charges register**

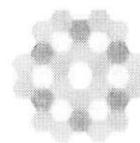
This register contains any charges and other matters that affect the land.

- 1 (19.03.2013) The land is subject to the rights reserved by the registered lease.

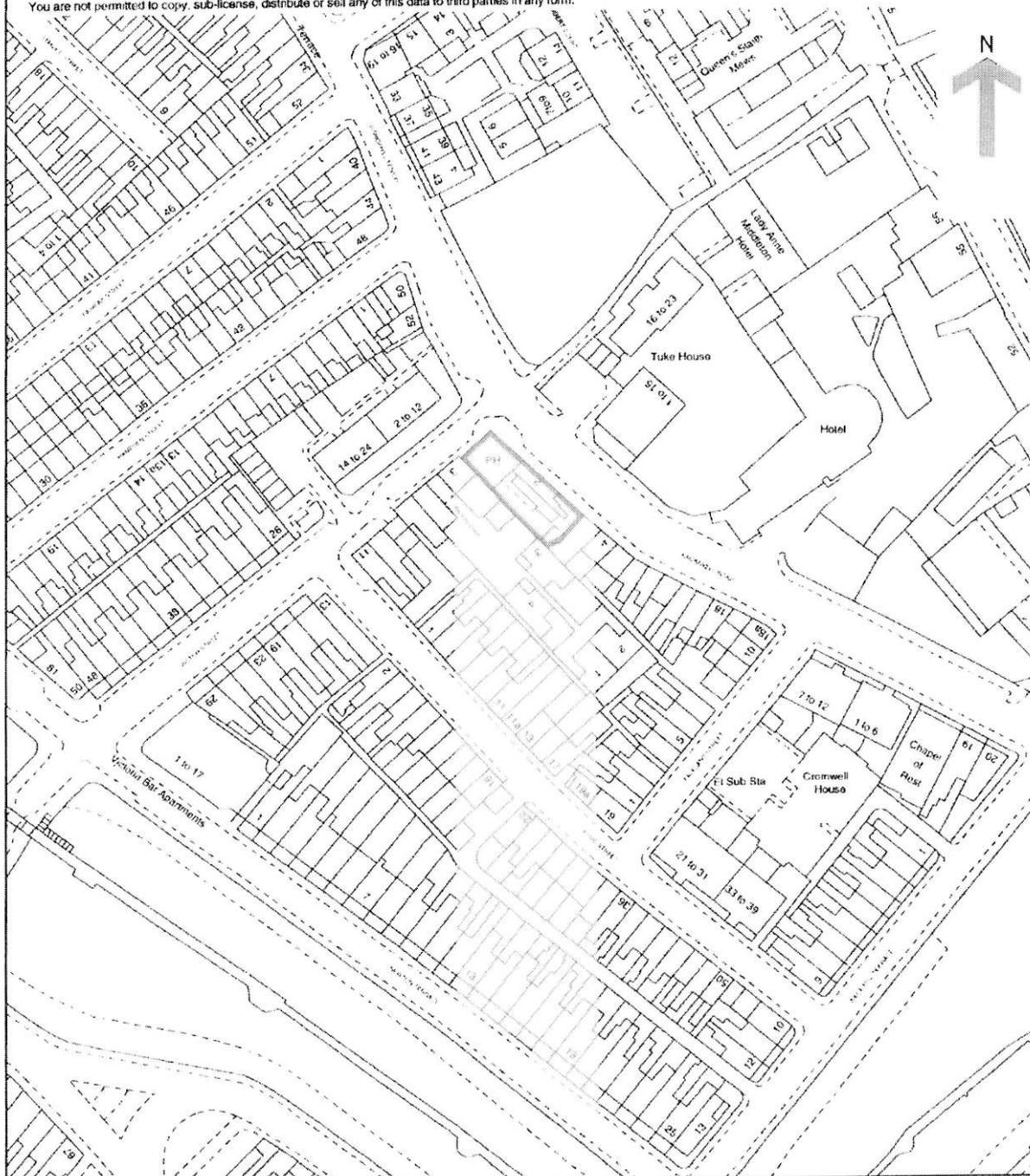
#### **End of register**

Land Registry  
Official copy of  
title plan

Title number NYK404907  
Ordnance Survey map reference SE6051SW  
Scale 1:1250  
Administrative area York



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**This official copy issued on 11 June 2013 shows the state of this title plan on 11 June 2013 at 11:14:27. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).**  
This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.  
**This title is dealt with by Land Registry, Durham Office.**



## ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form, then please refer to the guidance document which can be downloaded from the website [www.york.gov.uk/assetsofcommunityvalue](http://www.york.gov.uk/assetsofcommunityvalue) or alternatively call 01904 553360

### Section 1

#### About the property to be nominated

Name of Property:	THE GOLDEN BALL
Address of Property:	2 CROMWELL ROAD YORK
Postcode:	YO1 6DU

Property Owner's Name:	ENTERPRISE INNS
Address:	3 MONKSPATH HALL ROAD SOLIHULL, WEST MIDLANDS
Postcode:	B90 4SJ
Telephone Number:	
Current Occupier's Name:	GOLDEN BALL CO-OPERATIVE LIMITED -IPS NO. IP31654R

### Section 2

#### About your community organisation

Name of Organisation:	FRIENDS OF THE GOLDEN BALL
Title:	MR
First Name:	JOSEPH
Surname:	WEST
Position in Organisation:	Co-Ordinator
Email Address:	<del>JOSEPH.WEST@FRIENDSOFTHEGOLDENBALL.CO.UK</del>
Address:	30 EMPERORS WHARF, SKELDERGATE YORK
Postcode:	YO1 6DQ
Telephone Number:	<del>01904 553360</del>

#### Organisation type:

*Click in field for options*

UNINCORPORATED COMMUNITY GROUP

#### Organisation size

How many members do you have?

25

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### Section 3

#### Supporting information for nomination

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible.

The pub is operated as a viable business by a community co-operative and has an increasing turnover, being located in a well populated area in the centre of York. The pub provides meeting rooms for local community groups (e.g. Bishophill History Group, Scarcroft Allotment Society, Reading & Discussion Group). Regular 'Open Mic' nights, weekly music events and pub quizzes are held, bar billiards, dominoes and darts are regularly featured. Family events are held regularly. The pub is an important meeting place for members of the local community and sells bread and eggs from local businesses. More widely it is frequented by people from across York and neighbouring localities because of its preserved 1426 interior.

### Section 4

#### Boundary of Property

What do you consider to be the boundary of the property? Please give as much detail/be as descriptive as possible. Please include a plan.

The pub consists of: bar, garden room, bar billiards room and 'snug', together with the adjoining house the downstairs of which is in use as a meeting room and kitchen. Residential accommodation is on the 1<sup>st</sup> floor and externally a beer garden, driveway and barbeque area. The Land Registry Title No. is NYK404907. A plan is attached.

### Section 5

#### Attachment checklist

- Copy of group constitution (if you are a constituted group)
- Name and home address of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)

### Section 6

#### Declaration

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed:



Dated:

03/02/14

Please e-mail your completed form to [property.services@york.gov.uk](mailto:property.services@york.gov.uk) or post to:

Asset and Property Management  
City of York Council  
West Offices  
Station Rise  
York  
YO1 6GA

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1.	Kenneth Mandle 9 Emperors Wharf Skeldergate York YO1 6DQ	12.	Trevor Harvey 29 Russell Street Scarcroft Road York YO23 1NN
2.	Richard Sykes 25 Emperors Wharf Skeldergate York YO1 6DQ	13.	Patricia Jones 19 Branton Place Acomb York YO25 6BQ
3.	Paul Middleton 8 Emperors Wharf Skeldergate York YO1 6DQ	14.	Stephen Long 15 Doe Park York YO30 4UQ
4.	John Hickie 37 Grange Garth York YO10 4BS	15.	Chris Downing 3 Newlands Drive York YO26 5PQ
5.	Alison McAlister 4 Kyme Street York YO1 6HG	16.	Brian Brown 7 Wentworth Road York YO24 1DG
6.	Mo Nisbet 116 Acomb Road York YO24 4EY	17.	Michael Day 57 Curzon Terrace York YO23 1EZ
7.	Paul Rosslee 75 Nunnery Lane York YO23 1AH	18.	Helen Green 25 Acaster Lane Bishopthorpe York YO23 2SA
8.	Sharon West 30 Emperors Wharf Skeldergate York YO1 6DQ	19.	Cllr Julie Gunnell 33 Nunthorpe Crescent South Bank York YO23 1DU
9.	David Buckley 18 Hopgrove Lane North York YO32 9TF	20.	Cllr Sandy Fraser 28 Hillfield Road Scarcroft Road York YO23 1NQ
10.	David Martin 86 Acaster Lane Bishopthorpe York YO23 2SG	21.	Patrick Kelly 35 East Mount Road York YO24 1BD
11.	John Hall 53 St John Street York YO31 7QR		

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5<sup>th</sup> December 2013

## **Assets of Community Value Nomination request**

To whom it may concern,

This request is a community nomination for an asset of community value submitted under Part 5, Chapter 3 of the Localism Act 2011 and The Assets of Community Value (England) Regulations 2012.

We make this request in order for you to add Fordlands Road Home to the local list of assets of community value. The City of York has a duty to maintain a list of assets of community value that have been put forward by local communities.

Fulford Parish Council is eligible to make this nomination in accordance with Paragraph 5 of the Assets of Community Value Regulations 2012. Fordlands Road Home is within Fulford Parish. Therefore Fulford Parish Council meets the criteria defined in Paragraph 4 of the Assets of Community Value Regulations 2012.

### Details of nominated asset

Address:

1 Fordlands Road  
Fulford  
York YO19 4QT

Fordlands Road Home is on Fordlands Road and the asset nominated includes the main building on the site of the care home as well as its car park, ancillary buildings and structures and complete curtilage. The exact extent of the site is delineated in red on the plan below. The boundary along its north is formed by Germany Lane, along its west is formed by Fordlands Road, along its south is formed by the boundary delineation with the triangle of land formerly consisting of allotments, along the east its boundary consists of a hedgerow with trees separating it from a water meadow.

Landowner

City of York Council

### Details of use of the building as a Care Home

The building and land are owned by the City of York. Currently the building and land have been vacated by Care Home residents. The building was intended to be redeveloped as a care home but these plans have now been abandoned.

As a Care Home, the building and site performed an important role for elderly residents within the local community as well as providing local employment thus functioning as a community asset.

Fulford Parish Council would support it if York would reinstate the site as a Local Authority care home because of the benefits this would bring to the local community. However, we are led to believe that CYC will not reinstate the site as a community asset that would further the social well being or social interests of the local community but instead proposes to sell the land for housing.

We therefore wish to register the land as a community asset in order to facilitate reuse of the building as a community centre dedicated to celebrating local culture, local history and local nature conservation by creating a meeting room and making exhibition rooms available to local interest groups. We make this request because we believe it is realistic to think that within 5 years the building could further the social interests of the local community. This would be in a different way from the original community use but would nonetheless comply with the Localism Act 2011, Part 5, Chapter 3.

If the Local Authority should decide to place the former Care Home on their Community Assets list, this would give Fulford Parish Council the opportunity to apply for funding. The building and its curtilage could then be retained as a community asset.

The site is strategically placed for a number of purposes.

1. The site is on the northern bank of Germany Beck and is within the area where the Battle of Fulford was fought. The building could accommodate the Tapestry of the Battle of Fulford as well as information about and finds from the site of the battle of Fulford (1066). The location of the building would be ideal as a visitor centre and starting point for walks around the site of the battle for battle field tourists and local residents alike.

2. Moreover, the building is suited for local history exhibitions and its location, immediately adjacent to the site of the historic pinfold, would be ideal for this.

3. In addition, the site is close to the Ings and several Sincs and could play a role in spreading further knowledge about for example the rare Tansy Beetles that inhabit Fulford's village green.

This proposal will have a number of benefits to the local community including:

- Improved recreational facilities
- Disseminating knowledge about local history and biodiversity
- Creating connections between local groups
- Skills development amongst individuals and groups
- Increased collaboration between different social groups
- Opportunities for volunteering

The Parish Council is confident that this project would achieve long term social, economic, and environmental improvements to their local area.

To reach this goal it is vital that York does not sell the site for housing. We therefore ask you to place the site on the list for community assets and that the local community is given time to apply for funding for a community centre.

Could you please keep us informed regarding any developments with regard to Fordlands Road Home whilst you process this request?

Looking forward to your response,

Kind regards,

*J M Fletcher*

Mrs JM Fletcher  
(clerk to Fulford Parish Council)

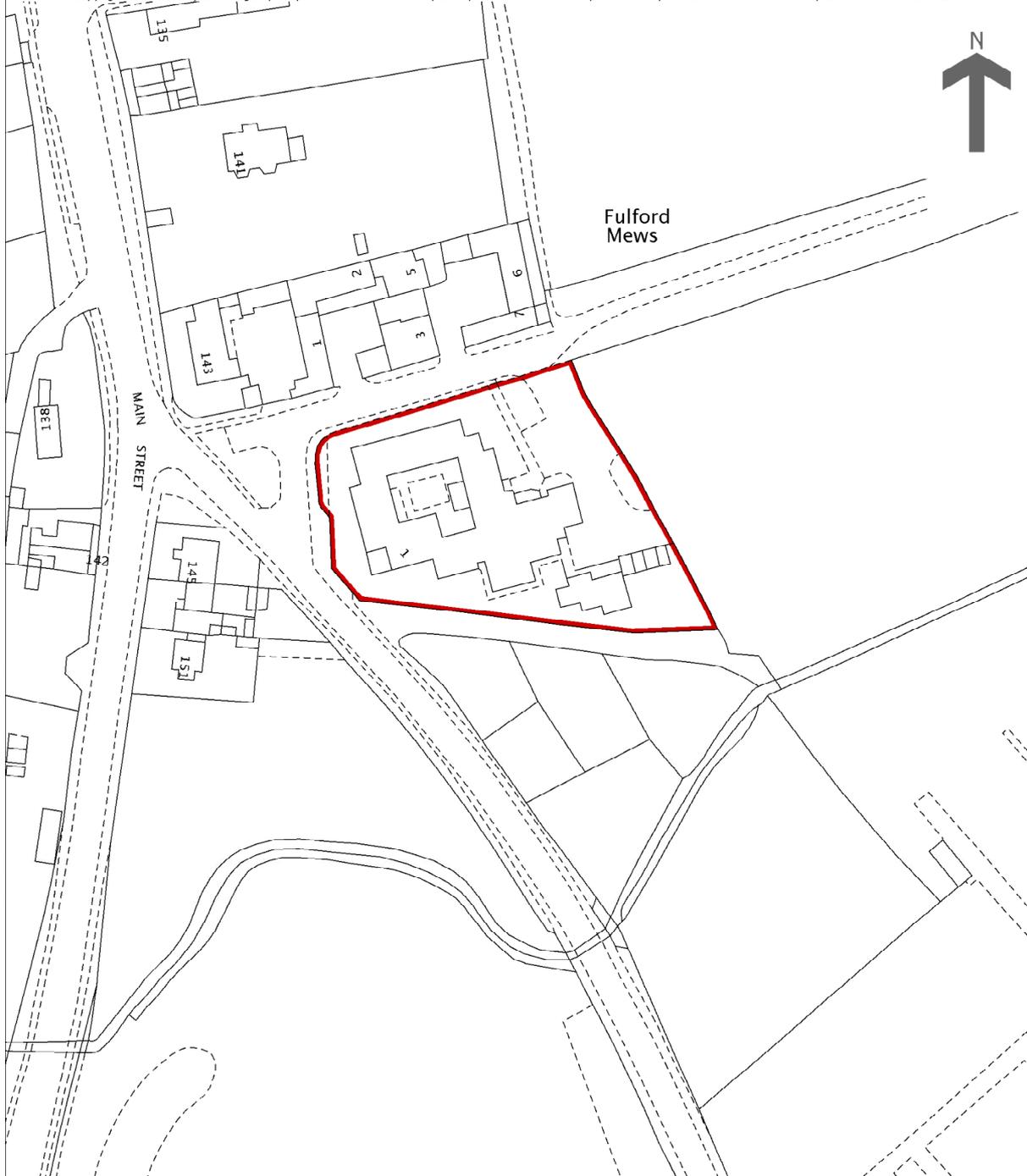
Attached: Plan of site of nominated asset

Land Registry  
Current title plan

Title number **NYK385449**  
Ordnance Survey map reference **SE6148NW**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **York**



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## ASSETS OF COMMUNITY VALUE NOMINATION FORM

If you need assistance completing this form, then please refer to the guidance document which can be downloaded from the website [www.york.gov.uk/assetsofcommunityvalue](http://www.york.gov.uk/assetsofcommunityvalue) or alternatively call 01904 553360

### Section 1

#### About the property to be nominated

Name of Property:	FORDLANDS ROAD HOME
Address of Property:	1 FORDLANDS ROAD FULFORD, YORK
Postcode:	YO19 4QT

Property Owner's Name:	CITY OF YORK
Address:	
Postcode:	
Telephone Number:	
Current Occupier's Name:	N/A

### Section 2

#### About your community organisation

Name of Organisation:	FULFORD PARISH COUNCIL
Title:	MRS
First Name:	JEANNE
Surname:	FLETCHER
Position in Organisation:	Parish Clerk
Email Address:	parishclerk@fulford39.fsnet.co.uk
Address:	"EPPELWORTH" MAIN STREET DEIGHTON YORK
Postcode:	YO19 6HD
Telephone Number:	1904728007

#### Organisation type:

*Click in field for options*

PARISH COUNCIL

#### Organisation size

How many members do you have?

11

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**Section 3****Supporting information for nomination**

Any information entered in this section only may be copied and passed onto the owner of the property you are nominating. Definition of an asset of community value can be found in the guidance document.

Why do you feel the property is an asset of community value? Please give as much information as possible.

See our detailed submission of 5 December 2013.

**Section 4****Boundary of Property**

What do you consider to be the boundary of the property? Please give as much detail/be as descriptive as possible. Please include a plan.

See our detailed submission of 5 December 2013 including description and plan.

**Section 5****Attachment checklist**

- Copy of group constitution (if you are a constituted group) (PARISH COUNCIL)
- Name and home address of 21 members registered to vote in nomination area (if group is not constituted)
- Site boundary plan (if possible)

**Section 6****Declaration**

I can confirm that to the best of my knowledge the information contained in this nomination form is complete and accurate.

Signed:

*Jeanne Feetcher*

Dated:

*7/1/2014*

Please e-mail your completed form to [property.services@york.gov.uk](mailto:property.services@york.gov.uk) or post to:

**Asset and Property Management**  
**City of York Council**  
**West Offices**  
**Station Rise**  
**York**  
**YO1 6GA**

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## **Assets of Community Value Guidance Notes**

These guidance notes are to help you with completing the nomination form for registering an asset of community value. They also contain some information about the process, outline the definition of an asset of community value and some of the things which are exempt.

### **Background**

The Community Right to Bid, which was established by the 2011 Localism Act, came into force in September 2012. The right gives eligible groups the opportunity to identify and nominate assets that are of value to the local community and gives them a fair chance to make a bid to buy them on the open market if the owner decides to sell.

A community could use this right to buy a local asset like a village shop, community centre, library, children's centre, allotment or pub. The right covers private as well as public assets.

All nominations for land or property to be included on the list of assets of community value must be made using our assets of community value nomination form.

### **What is an asset of community value?**

When we assess whether a particular building or piece of land is of community value, we must determine whether it meets the definition of an asset of community value as set out in Section 88 of the Localism Act 2011.

A building or piece of land in the City of York Council area is deemed to be of community value if, in our opinion

1. The current or main use of the building or land furthers the social interest or social well being of the local community or a use in the recent past has done so and it is realistic to think that there can continue to be a main use of the building or land which will further the social interests or social wellbeing of the local community, whether or not in the same way as before.
2. The main use of the building or land in the past furthered the social interests or social wellbeing of the local community and it is realistic to think that within five years the building or land can be brought back into a use that furthers the social interest or wellbeing of the local community, whether or not in the same way as before.

3. Social interests include cultural, recreational and sporting interests. Social wellbeing is that which people value in their life that contributes to them reaching their potential (economic, social or environmental)

**There are some categories of assets that are excluded from listing as assets of community value.** The main one is residential property, including land and outbuildings connected with that property. However, there is an exception to this where an asset which could otherwise be listed contains integral residential accommodation, such as accommodation as part of a pub or a caretaker's flat.

Other exclusions include land licensed for use as a residential caravan site and operational land as defined in section 263 of the Town and Country Planning Act 1990.

*Please refer to Schedule 1 of The Assets of Community Value (England) Regulations for full details of land which is not of community value and therefore may not be listed*

### **Lists of Assets of Community Value**

City of York Council will maintain and publish a list of all successful nominations

A list of all unsuccessful nominations will also be published to avoid duplication of nominations for a building which does not meet the criteria.

City of York Council will also regularly update a list of nominations which are currently being considered.

Please ensure that you have consulted all three lists before submitting a nomination to list an asset of community value

### **Nominating an Asset of Community Value**

You can fill in the nomination form online, download a copy from our website or we can e-mail a copy to you.

If possible please fill in the form electronically, if using a paper copy please type or write clearly in black ink.

The **nomination form** is split into sections covering

- The asset you wish to nominate
- Your organisation
- Why you believe the asset is of community value
- The boundaries of the asset being nominated

Please answer all the questions. The notes below explain what sort of information you need to include for each question together with some examples of what is required for some of the questions.

We will use the information you provide on the nomination form to assess whether your nomination meets the requirements of the legislation for designating an asset of community value.

**Section 1: About the Asset being nominated.** We will publish details about the type and location of the asset you are nominating on our website

**Asset Type**

Tell us what type of building or piece of land the asset is.

*Examples – playing field, pub, community hall*

**Property Location**

It is important that you provide the full name, address and postcode of the property being nominated

**Property Ownership details**

It is very important that you include these details as we will need to contact the owner to inform them of the nomination and allow them to comment

**Current Occupier details**

The current occupier may not be the same as the owner so it is important that we advise everyone affected if the asset is listed

**Section 2: About your community organisation.** We are asking for the information in this section to help us assess whether your organisation is eligible to make a nomination

**Details of organisation**

Enter the name and address of the organisation. We will publish this information on our website and may share it with the owner of the land you are nominating

**Organisation type**

You need to tell us what type of organisation you are as only the voluntary and community bodies listed below are eligible to make a nomination. We will not accept nominations from any other bodies.

**Parish or town councils** can make nominations for an asset in their own area or in a neighbouring parish/town council's area.

**Neighbouring parish councils.** A parish council may nominate an asset in an adjoining parish area where there is no parish council and where they have a shared boundary and the asset is within the City of York Council area.

**Unincorporated community groups.** The membership must include at least 21 local people who appear on the electoral roll within the City of York Council area, or a neighbouring local authority area. You will need to provide evidence of this by sending a list of 21 members' names and addresses which will be checked against the electoral roll. The group must not distribute any profits it makes to its members.

**Neighbourhood forums.** A body designated as a neighbourhood forum as set out in section 61F of the Town and Country Planning Act 1990, added by the Localism Act 2011. There can only be one neighbourhood forum for an area. Existing community groups, civic societies and others can put themselves forward to be a neighbourhood forum. Prospective neighbourhood forums need to ensure they meet the conditions for designation set out in the legislation. For example a forum should

have an open membership policy and seek to draw its membership from across the neighbourhood area and from different sections of the local community.

**Community interest groups with a local connection.** These must have one or more of the following structures

- A not-for-profit company e.g. a charity – companies whose activities benefit the community and who re-invest surplus made from trading back in to the community (often called Social Enterprises or Community Interest Groups)
- A community interest company (a company which satisfies the requirements of Part 2 of the Companies (Audit, Investigations and Community Enterprise) Act 2004)
- A company limited by guarantee that is non-profit distributing which does not distribute any surplus to its members, but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority area
- An industrial and provident society (a body registered or deemed to be registered under the Industrial and Provident Societies Act 1965 which meets one of the conditions in section 1 of the Act) which is non-profit distributing, it does not distribute any surplus it makes to its members, but is wholly or partly applied to the local authority area where the asset is based or to a neighbouring authority

#### **Registration number**

If you are a charitable organisation or company please provide your charity or registration number

#### **Section 3: Supporting information for the nomination**

In this part of the form you need to give as much information as possible about why you feel the asset currently boosts the social interest and social wellbeing of a local community or, if it did in the past, why it is realistic to think that it could in the future. For example how the asset is currently used, what activities take place there, which groups use it or have done so in the recent past.

Social interests include cultural, recreational and sporting interests. Social wellbeing relates to social interaction and engagement.

#### *Example – Community Hall*

*The hall is the only community facility in our village. It is heavily used throughout the week by a wide range of groups from the village including a mother and toddler group, cubs, Guides, exercise groups, over 60's, luncheon club and the parish council. The enclosed pages from the booking diary for the month of September give an indication of hall usage. Each year the hall hosts a number of events which attract audiences of all ages from the local community, these include the Spring fayre, village games, Christmas carol concert and village pantomime.*

#### **Section 4: Boundary of the Property/Land being nominated**

Please give as much detail as you can about the extent of the property/land you are nominating; for example this may include the car park area. If possible please include a plan showing the location of the asset and a site plan with the boundaries marked on it. Any area which is in the ownership of a statutory undertaker (such as an electricity substation) cannot be listed.

*Example – the asset comprises the entire village hall building plus the small area of grass to the rear and the parking area at the front. The boundaries are marked by the wooden fence on either side, the hedge at the back and the railings at the edges of the car park*

#### **Section 5: Attachment checklist**

Please send all the relevant attachments with your form as we will not be able to assess your nomination without these. Please tick to indicate which items you are attaching

#### **Section 6: Declaration**

Ideally the form will be signed by a member of the group's management team or committee such as chairperson, secretary or treasurer. This should be the same person as in the contact details in Section 2

#### **Disposal of an Asset of Community Value**

Once an asset is on the List of Assets of Community Value, if the owner of that asset decides to sell the property they must inform the Council.

From the date the Council is informed of the owner's intention to sell an initial moratorium of 6 weeks is in place. During that time:

- The Council will inform the original applicant of the intention to sell
- The Council will publish a notice in the local paper and on its website informing the public of the intention to sell
- Expressions of interest in bidding for the asset are welcomed from eligible community groups
- The owner is prohibited from selling the asset

At the end of the 6 week moratorium if no potential bidder has come forward the asset can be placed on the open market.

If a written expression of interest from an eligible community group is received then a full moratorium period becomes active, 6 months from the date the owner of asset informed the Council of their intention to sell.

The full moratorium gives the potential bidder time to put an offer together and place a bid. During this time the asset cannot be sold unless it is sold to a community group.

When a bid is received by the owner of the asset they may choose to accept or decline the offer. The owner of the asset may still choose to sell the asset on the open market following due consideration of the community bid and at the end of the six month moratorium.

**This process gives the community the opportunity to bid for an asset. It is not a requirement for the owner to sell to the community.**

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For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

**This information can be provided in your own language.**

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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