

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

To: Councillor Williams

Date: Thursday, 20 November 2014

Time: 9.00 am

Venue: The Auden Room - Ground Floor, West Offices (G047)

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 24 November 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 18 November 2014.** Any written representation received will be included with the online agenda papers for this meeting.

1. Declarations of Interest

At this point the Cabinet Member is asked to declare:

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

which he 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 18 September 2014.

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 19 November 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

4. Applications for Community Right to Bid (Pages 3 - 32) under the Localism Act 2011

The Cabinet Member is asked to consider the following applications for Community Right to Bid under the Localism Act 2011:

- Winning Post Public House, 127-129 Bishopthorpe Road (application submitted by Bishopthorpe Road Traders' Association)
- New Earswick and District Indoor Bowls Club, Huntington Road (application submitted by New Earswick and District Indoor Bowls Club)

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

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

Meeting	Decision Session - Cabinet Member for Finance & Performance
Date	18 September 2014
Present	Councillor Williams

9. **Declarations of Interest**

The Cabinet Member was asked to declare any personal interests not included on the Register of Interests, any prejudicial interests or any disclosable pecuniary interests which he may have in respect of the business on the agenda. None were declared.

10. **Exclusion of Press and Public**

Resolved: That the press and public be excluded from the meeting during consideration of annex C of agenda item 5 (Pioneer Business Park – Application to remove restrictive covenant) on the grounds that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information). This information is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

11. **Minutes**

Resolved: That the minutes of the meeting held on 17 July 2014 be approved and signed as a correct record.

12. **Public Participation**

It was reported that there was one registration to speak under the Council's Public Participation Scheme.

Mr John Reeves, agent of the applicant, spoke in support of the application to lift the restrictive covenant on an office site on the Pioneer Business Park for low-cost residential development (agenda item 5). He stated that much of the office accommodation on the site was out of date and stated that action needed to be taken to address the oversupply. He gave details of office rental rates within the city and explained that businesses now preferred to have their offices located in other parts of the city. Details were given of the nature of the proposed development and the reasons why Clifton Moor would be an appropriate location. Mr Reeves requested that the Cabinet Member supported the proposal to lift the covenant.

13. Pioneer Business Park - Application to remove restrictive covenant

The Cabinet Member considered a report which set out details of an application to lift the restrictive covenant on an office site on the Pioneer Business Park for low-cost residential development.

It was noted that the application was in accordance with the Asset Management Policy on lifting restrictive covenants on Clifton Moor and that a capital receipt had been agreed in accordance with the policy.

The Cabinet Member considered the options detailed in paragraphs 8 to 10 of the report. He stated that, although it was disappointing that there was not the demand for office accommodation on the site, he also recognised that there was a need for additional housing in the city. He therefore believed that, on balance, the proposals were a positive move and that the covenant should be lifted.

Resolved: That the request to remove the restrictive covenant on an office site on the Pioneer Business Park for low-cost residential development be agreed in return for the capital sum detailed in annex C of the report.

Reason: To enable the provision of apartments at reasonable cost in an area of surplus office accommodation.

Councillor Williams, Cabinet Member
[The meeting started at 12.00 pm and finished at 12.10 pm].



20 November 2014

Cabinet Member Decision Making session – Finance and Performance

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

Applications for Community Right to Bid under the Localism Act 2011

Summary

1. This report presents applications from Bishopthorpe Road Traders Association, to list the Winning Post Public House, 127-129 Bishopthorpe Road, York, and the New Earswick and District Indoor Bowls Club to list The New Earswick and District Indoor Bowls Club, Huntington Road Road, Huntington, York, as Assets of Community Value, for consideration by the Cabinet Member.

Background

2. On 6th March 2014 Cabinet Member approved the proposals for the implementation of a process for the Community Right to Bid legislation 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. Two applications have been received under this legislation, for a decision by the Cabinet member.

The Winning Post Public House, Bishopthorpe Road, York

3. The freehold of The Winning Post is owned by Enterprise Inns. The nomination is being made by Bishopthorpe Traders Association on the basis that The Winning Post is the only public house along the entire length of Bishopthorpe Road and occupies a prominent position in the heart of the residential area. It has enormous potential to offer 'community facilities' and as such is a valued amenity to the local people. It has several large rooms suitable for wide variety of uses and a remarkable function room, which is used for a wide variety of purposes, including live music, plays, information evenings, meetings (the local school PTA use it), charity and family events. The pub is also home to

pool and dominoes teams. A copy of the nomination form is included at Annex 1.

4. 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 Winning Post has a distinct community focus, the application fits the criteria of the legislation.
5. If the decision is taken to include this application on the list of assets of community value, the owner has the right to request the Council to review its decision. The deadline is eight weeks from the date written notice of listing was given, or a longer period allowed by the authority in writing. The property will remain listed while the review is carried out.

The New Earswick and District indoor Bowls Club, Huntington Road, York

6. The freehold of this building is owned by Joseph Rowntree Housing Trust (JRHT). The application is by the Bowls Club who lease the property from JRHT, on the basis that the club has created a community venue. The club is enjoyed by 850 members and half as many non members attending community sessions throughout the year, and there is a vibrant social membership. The club is a recognised dementia friendly venue. The club is used as a host venue for Neighbourhood Committee meetings. Grant funding has been received from CYC and Huntington Parish Council to support community activities in the building. A copy of the nomination form is attached at Annex 2.
7. A letter from solicitors acting for JRHT has been received objecting to the proposed listing. A copy of their letter is attached at annex 3. The basis for their objection is that the application does not demonstrate that the whole of the land and building is of community value as the Bowls Club lease does not include the whole building. Part of the ground and first floor are excluded from the lease and used exclusively by JRHT. However, JRHT encourages and acknowledges the use not only for bowling and related social events, but wider more community based activities. In addition JRHT state that the car park which forms part of the application is not being used for purposes which would 'further the social well being or the social interests of the local community' and therefore cannot be considered to be of community value. Their letter indicates that JRHT are considering proposals to redevelop those parts of the site

that are not part of the lease to the club, which may have prompted this application.

8. The Bowls Club has developed the community focus for the part of the building which it uses and therefore the application meets the criteria of the legislation. It is noted that the lease does not cover the whole of the building or the site although it does give the Bowls Club the right to use the car park.
9. There are 3 options to be considered in dealing with this application
 - Option 1 – list the whole site as identified in the application
 - Option 2 – List only the area which is included in the lease to the Bowls Club – this will exclude the part of the building which is exclusively used by JRHT and also the car park although the lease to the Bowls Club includes the right for the Club to use this car park (apart from 9 spaces which are for the sole use of JRHT). Any variation of the right to the use of this car park would need the agreement of both parties.
 - Option 3 – refuse the application for listing in full
10. If the decision is taken to follow option 1 or 2 the owner has the right to request the Council to review its decision. The deadline is eight weeks from the date written notice of listing was given, or a longer period allowed by the authority in writing. The property will remain listed while the review is carried out. If the decision is taken to follow options 2 or 3 the applicant (the Bowls Club) has no right of review under the legislation.
11. It should be remembered that the listing of a building or site as an Asset of Community Value does not give the community organisation who applied for the listing any right of first refusal to buy the property if the owner decides to sell in the future. What the legislation details is that the organisation has a period of 6 weeks from the time when the owner notifies the Council it is considering a sale to decide if it wants to make a bid and then, if it does, a period of 6 months to put a bid together so that it can be considered against any other bid made when the property is marketed. It is the owner's decision as to which bid it then accepts.

Implications

12. **Financial** – Compensation may be payable by the Council to the owner of any property which is listed. 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).

Human Resources (HR) – none

Equalities, Crime and Disorder and IT - none

Legal – The Council need to comply with the Localism Act 2011 which is in force now.

Property – none

Other – none

Risk Management

13. There are no significant risks to this application.

Recommendations

14. The Cabinet Member is asked to decide whether to add The Winning Post Public House, Bishopthorpe Road onto the List of Community Assets.

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

15. The Cabinet Member is asked to decide whether to add the New Earswick and Indoor District Bowls Club onto the List of Community Assets following option A or B as outlined in paragraph 9 above.

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

Contact Details

Author:

Tim Bradley
Asset Manager
Asset and Property Management
Tel No.553360

Chief Officer Responsible for the
report:
Tracey Carter
Title – Assistant Director Finance
Property Procurement

**Report
Approved**



Date 11.11.14

Specialist Implications Officer(s)

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

Wards Affected: Micklegate Ward and Huntingon and New Earswick Ward

For further information please contact the author of the report

Annexes

Annex 1 – The Winning Post, Bishopthorpe Road – Application to add to the List of community assets

Annex 2 – The New Earswick and District Indoor Bowls Club, Huntingon Road, Huntingon – Application to add to the list of community assets

Annex 3 – Letter of objection from Joseph Rowntree Housing Trust

Annex 4 – Current list of assets of community value

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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 shown below or alternatively call 01904 553360

www.york.gov.uk/assetsofcommunityvalue

Section 1

About the property to be nominated

Name of Property:	THE WINNING POST
Address of Property:	127-129 BISHOPTHORPE ROAD YORK
Postcode:	YO23 1NZ

Property Owner's Name:	ENTERPRISE INNS PLC
Address:	3 MONKSPATH HALL ROAD SOLIHULL, WEST MIDLANDS
Postcode:	B90 4SJ
Telephone Number:	1217337700
Current Occupier's Name:	PAUL AND DONNA STEPHENSON

Section 2

About your community organisation

Name of Organisation:	BISHOPTHORPE ROAD TRADERS ASSOCIATION
Title:	MR
First Name:	JOHNNY
Surname:	HAYES
Position in Organisation:	CHAIRMAN
Email Address:	johnnyhayes@hotmail.co.uk
Address:	109 BISHOPTHORPE ROAD. YORK
Postcode:	YO23 1NA
Telephone Number:	1904640898

Organisation type:

Click in field for options

UNINCORPORATED COMMUNITY GROUP

Organisation size

How many members do you have?

65

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 Winning Post has enormous potential as a community asset of immense inclusive value to the residents around South Bank and Bishopthorpe Road.
It is the only pub to be located on the entire length of Bishopthorpe Road (The Swan is on Bishopgate Street) and occupies a very prominent position in the heart of the residential area.
It is highly accessible to all local residents, and there is no other pub within a half mile walk.
The building is sizeable and incorporates several large rooms suitable for a wide variety of uses.
It has a remarkable function room which is used for a variety of purposes including: live music, plays, information evenings, meetings (including those of the local PTA), as well as charity and family events.
The pub is home to pool and dominoes teams.

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 Winning Post is bounded to the front by Bishopthorpe Road itself and to the northern side by Nunthorpe Drive.
The rear of the property faces west and backs onto gardens on Nunthorpe Crescent.
The southern boundary adjoins the neighbouring properties on Bishopthorpe Road.
PLEASE SEE ATTACHED GOOGLE EARTH IMAGE.

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:

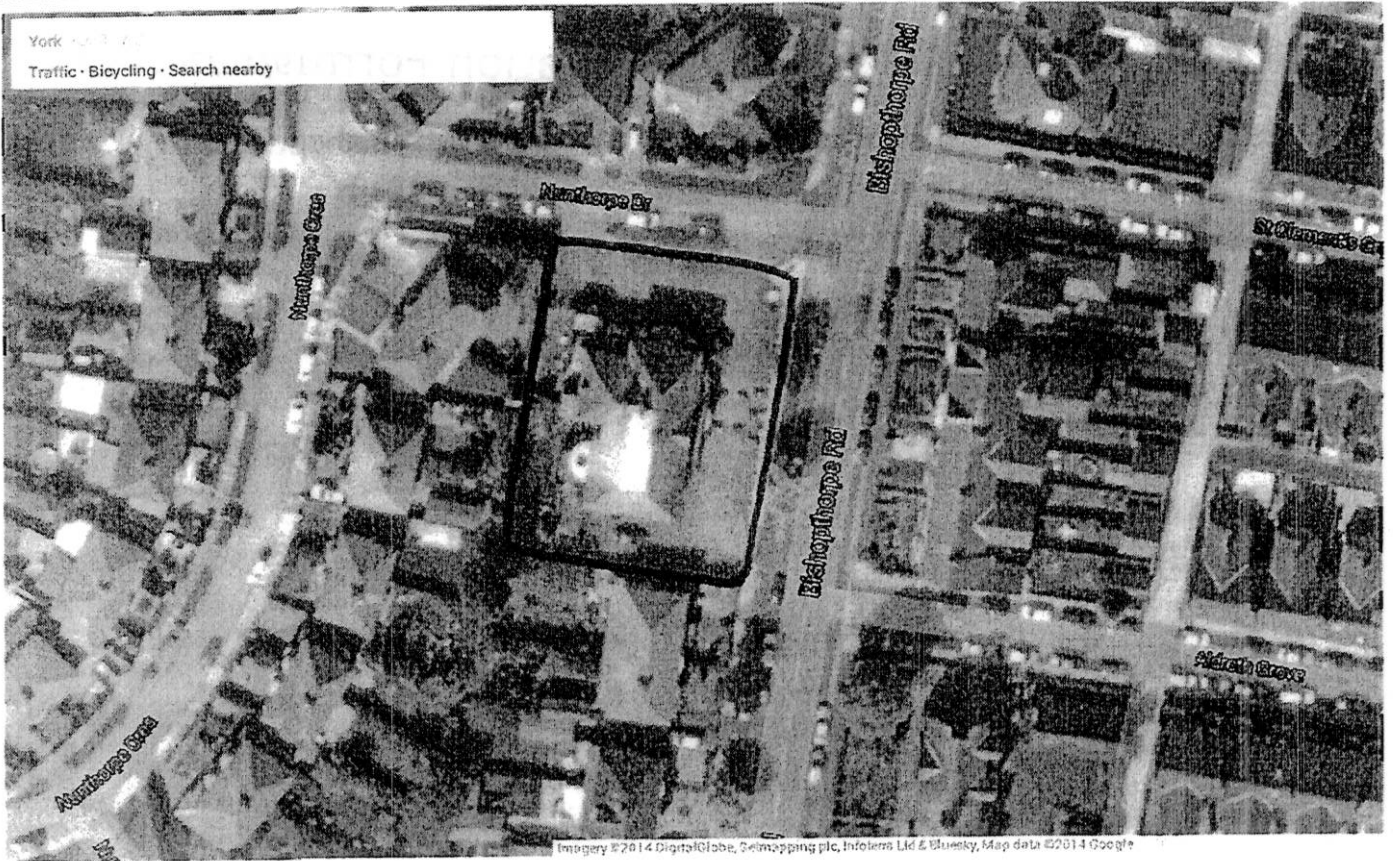


Dated: 20.10.2014

Please e-mail your completed form to property.services@york.gov.uk or post to:
Asset and Property Management
City of York Council
West Offices
Station Rise
York
YO1 6GA

10/20/2014

York- Google Maps



Asset of Community Value. Nomination Form 19/10/2014 13:43

We the undersigned are wanting to have The Winning Post Bishopthorpe Road. Listed as Asset Of Community Value. 20th October 2014.

Name

Address

Signature

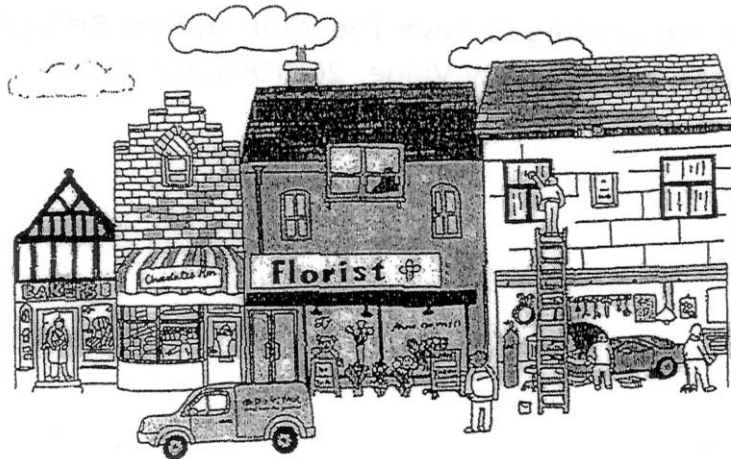
1. Johnny Hayes
2. Frances Hayes .
3. Hugh Bentley
4. ROSEMARY BENTLEY
5. Helen Hodue
6. Matthew Hodue
Lucy Hjort
7. Julie Gummel
8. Karen Charlis
9. Andy SHRIMPSON
10. PIERS MAFFETT
11. DARREN MICKLETHWAITE
12. PHILIP TAYLOR .
13. Graham Lee Stevens
14. Maria Atkinson
15. Pippa Maynard
16. Beppe Lombardo

Asset of Community Value. Nomination Form 19/10/2014 13:43

We the undersigned are wanting to have The Winning Post Bishopthorpe Road. Listed as Asset Of Community Value. 20th October 2014.

Name

17. PAUL CROSSMAN
18. PHOEBE MORGAN
19. ELAINÉ SIMON
20. BEVERLY KIM DE
21. GILLIAN SYMINGTON
22. DAVE WILSON
23. EMILY BEVIS
24. Jake Hodgson
25. CAROLE KALIFA
26. Julia Holding 8
27. Graham Meiklejohn
28. CAROLINE LEWIS
29. Julie Gunnew (Cllr)
(Councillor)
30. Helen Kitcher
31. Chris Hamilton 53 ke
32. Tricia Sherriff.



1. NAME

The name of the Organisation shall be the Bishopthorpe Road Traders Association (hereinafter called "the Organisation").

2. AIMS AND OBJECTIVES

- o The aims and objectives of the Organisation are to promote, enhance and support the interests of traders who operate businesses situated within the Bishopthorpe Road Area. The Organisation will liase with statutory services, voluntary organisations and organisations supportive of general trading interests, for the benefit of its members.
- o The Organisation will endeavour to include all traders and interested parties within the Bishopthorpe Road geographical area, and will not favour particular political or religious organisations and will try to maintain an ethical approach to its work.

3. MEMBERSHIP

- o Membership shall be open to all businesses trading in the Bishorthorpe Road Area York.

- Every member shall have one vote.
- Members must actively seek to represent the various needs of the area, and must not discriminate on the grounds of their race, colour, ethnic or national origin or because of their gender, disability or health (including HIV & status), sensory or speech impairment, age, sexual orientation, religion, political party or marital status.

4. MEMBERSHIP FEE/SUBSCRIPTION

All members shall pay an annual fee of £20 or a sum agreed by the Annual General Meeting.

5. FINANCE

- All financial business must be carried out constitutionally.
- All money raised by or on behalf of the Organisation is to be used only to further the aims of the Organisation.
- The Treasurer shall open a bank account in the name of the Organisation.
- Cheque signatories will be nominated by the Committee (one to be the Treasurer).
- All cheques and instructions to the Organisation bankers shall require two of the agreed signatures.
- The Treasurer shall present annual financial reports at the AGM.
- The Organisation will not lend money to members.

6. THE COMMITTEE

- All members will be members of the committee and have voting rights. Voting will be on the basis of one vote per member business attending at the meeting.
- All proposals shall be voted upon following open discussion. A show of hands or a secret ballot, indicating a majority, shall determine the outcome. The Chairman has a casting vote.
- The Committee shall be made up of a Chairman, Secretary, Membership Secretary, Treasurer, Publicity Co-ordinator and general members.
- The Committee shall be elected at the Annual General Meeting.
- At any committee meeting four members present shall represent a quorum. A majority vote will carry any motion, which is proposed and seconded. If required the Chairman will have a casting vote.
- The committee shall aim to meet on a two monthly basis but no less than 4 times a year.
- Minutes of the Committee meetings shall be available to all members.
- The Committee may introduce or appoint new members as required.

7. ANNUAL GENERAL MEETING

- There shall be an Annual General Meeting held every 12 months. At which the Committee reports on its work, presents a statement of accounts and then resigns.

- The AGM shall elect a new Committee, vote on recommendations and any amendments to the constitution.
- The Secretary will notify all members of the date of the meeting not less than fourteen days before the AGM.

8. OTHER GENERAL MEETINGS

- A special or extraordinary general meeting open to all members will be held if 5 or more members submit in writing a request for such a meeting to the Secretary. The Secretary shall arrange for the meeting to take place within 14 days.
- The Secretary will publicise all general meetings at least five days in advance.

9. QUORUM

This means the number of members required for the meeting to go ahead and make decisions.

- No general meeting or Annual General Meeting shall take place if less than 4 members are present.
- No Committee meeting shall take place if less than half of the Committee are present.

10. CHANGE TO THE CONSTITUTION

- The constitution can only be altered at an AGM.
- Any suggested changes to the constitution must be handed to the Secretary fourteen days before the AGM.
- Changes to the constitution must be agreed by a simple majority of the members present at the meeting.
- The Chairman shall have the casting vote, should the original vote be tied.
- None of the aims of the Organisation listed in section two may be deleted.

11. DISSOLUTION

- The Organisation may only be dissolved at a Special General Meeting called for that purpose and must be advertised at least fourteen days before the meeting.
- A proposal to dissolve the Organisation shall only be accepted if signed by two thirds of the members. The decision shall be agreed by a simple majority of eligible voters present.
- In the event of the association winding up, all proceeds will be given to a local charity.
- No members of the Organisation shall receive any benefit either in cash or in kind from any disposal of the Organisation's assets.

12. STANDING ORDER

Members shall, at all times conduct themselves in a reasonable manner at meetings or in the premises used by the Organisation, and be excluded if they contravene the objectives of the Organisation. This will be done by a majority of those present and voting at any Committee or general meeting.

- Any members may make a proposal. In order for it to be voted on by other members it must be seconded, (or supported) by someone else.
- Only members present at the meeting may vote.
- The only exception to the above rule will be that members whose disability or medical condition makes it impossible to attend a meeting. In these circumstances such members may empower the Chairman or Secretary to vote on their behalf.
- Before voting any member may propose an amendment, which must also be seconded.
- The Chairman shall have the casting vote when there is equal voting.

This constitution to be adopted by the Bishopthorpe Road Traders Association on 20

February 2012



ASSETS OF COMMUNITY VALUE NOMINATION FORM

Section 1

About the property to be nominated

Name of Property:	NEW EARSWICK & DISTRICT INDOOR BOWLS CLUB
Address of Property:	HUNTINGTON ROAD, HUNTINGTON YORK
Postcode:	YO32 9PX

Property Owner's Name:	JOSEPH ROWNTREE HOUSING TRUST
Address:	THE HOMESTEAD , 40 WATER END YORK
Postcode:	YO30 6WP
Telephone Number:	01904 629241
Current Occupier's Name:	NEW EARSWICK & DISTRICT INDOOR BOWLS CLUB

Section 2

About your community organisation

Name of Organisation:	NEW EARSWICK & DISTRICT INDOOR BOWLS CLUB
Title:	MR
First Name:	RAY
Surname:	BLOGG
Position in Organisation:	CHAIRMAN
Email Address:	mailman35@lineone.net
Address:	42 BROCKFIELD PARK DRIVE HUNTINGTON YORK
Postcode:	YO31 9EE
Telephone Number:	01904625049

Organisation type:

Click in field for options

COMMUNITY INTEREST COMPANY

Organisation size

How many members do you have?

850

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.

In 2005 the bowls club embarked on a survival plan which would see it change from a single sport members club to a fully inclusive community hub. Through partnerships with City of York Council, private and public care providers such as JRHT, Wilf Ward, Avalon , national and local community organisations such as Age Concern, Alzheimer's Society, Mencap, NHS Mental Health, Nestle Pensioners, we have created a community venue which is enjoyed by nearly 850 members and probably half as many again non members attending community sessions during the year. In addition to the year round indoor bowling club with nearly 500 participants , 90% over the age of 60, which offers exercise, socialising and competition, there is an additional vibrant social membership which uses the facilities for club led leisure activities such as line dancing, keep fit, sequence dancing and carpet bowls. Both sections enjoy a full evening social programme which includes quiz and bingo sessions based around the bar facilities. Our additional community activities include a weekly year round "Bowlsability " session which provides meaningful participation in bowls, carpet bowls and boccia attracting between 30 and 50 adults with learning and physical disabilities. We are the host venue to First York Boccia club who provide social and competitive boccia and new age kurling session for similar groups .

During summer when many of our bowlers play outdoor bowls or golf we lay a temporary floor which hosts a range of other activities aimed predominantly, but not exclusively for disabled participation. These include new age kurling, badminton, table tennis and floor hockey, and the recent £170k investment of the installation of air conditioning and LED lighting will provide a more ambient summer venue and planning for next year includes new sessions to be provided by an LTA disability tennis coach . (continued on additional sheet)

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 boundary of the car park, drive way, garden area to the front and footprint of the building.

Assets of Community Value Asset Nomination Form - continuation sheet.

NEW EARSWICK & DISTRICT INDOOR BOWLS CLUB

Section 3 - Supporting information for nomination

Though our facilities we support more than 20 athletes in 4 sports to participate in Special Olympics competitions to National level and are the host club for the annual Special Olympics Yorkshire & Humberside Regional Indoor Bowls and First York Boccia Open Invitation events.

We are a recognised Dementia Friendly venue directly supporting numerous affected members but also hosting separate monthly Kirk Cafe and Boccia sessions with Alzheimer's Society. Our partnership sessions which are more adhoc include Age Concern, NHS Mental Health groups, medical referrals through HEAL, York Carers . All these activities take place in an inclusive environment, alongside the regular club activities which is how we are able to help re integrate marginalised sections of society .

We are a host venue for Neighbourhood Committee meetings, have the support of the City of York Council and Huntington Parish Council, evidenced through past grant funding in support of our community activities.

Local businesses, NHS, care groups and other not for profit /charity groups use our facilities for a variety of meetings, training and fundraising events.

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:

R. L. Blogg

16-9-2014

Please e-mail your completed form to property.services@york.gov.uk or post to:

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

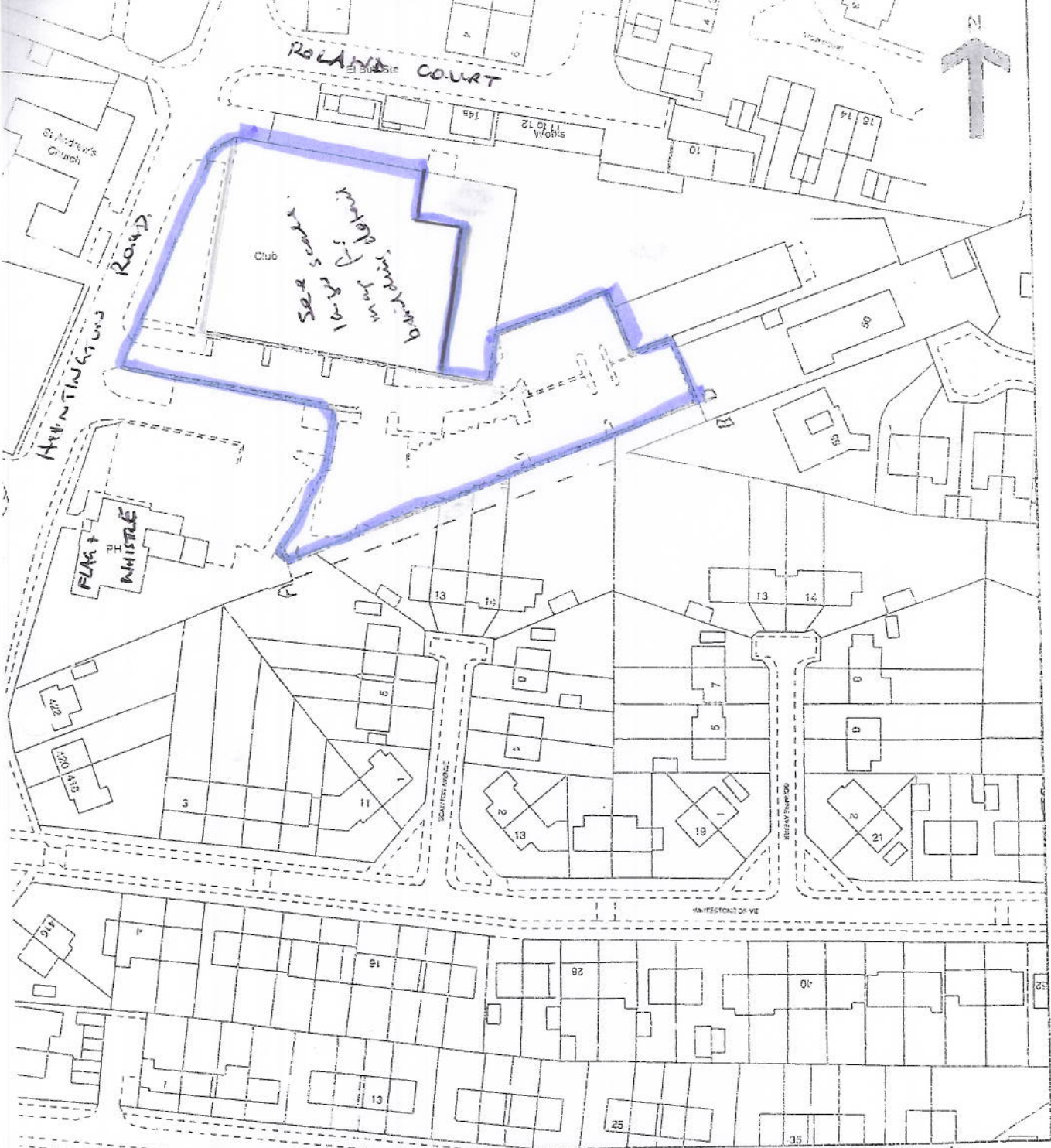
PLAN



Registry
Title plan

Title number NYK408793
Ordnance Survey map reference SE5155SW
Scale 1:1250
Administrative area York

Copyright and database rights 2013 Ordnance Survey 100026316
This is the plan referred to in the accompanying letter dated 11/12/2013 Title no. NYK408793



This 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.

For Tenant

For Landlord

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

Your Ref:
Our Ref: MEG/SLLB/2007641/190
Please quote this when replying
Date: 30 October 2014
Please ask for: Marian Griffiths
Ext: 571723
Direct Dial: 0113 204 1723
E-mail: Marian.Griffiths@dwf.co.uk
Direct Fax: 03333 20 44 40

By Post and Email: philip.callow@york.gov.uk

Dear Mr Callow

Asset of Community Value Nomination - New Earswick and District Bowls Club, Huntington Road

I refer to your letter of 9 October 2014 concerning the above matter and addressed to my clients Joseph Rowntree Housing Trust ("JRHT") which is the owner of the site which is the subject of the application ("the Site") by the New Earswick and District Bowls Club ("the Club"). My client considers that the application made by the Club does not demonstrate that the land and building which is the subject of the application is of community value.

Lease to the Club

The Club has been a tenant of part of the Site since 1994 and the lease was renewed last year for another ten years. The part of the Site which is leased to the Club is shown hatched red on the attached plan. The initial lease granted in 1994 restricted the use of the premises to use as a private members indoor bowls club but when the lease was renewed last year, the user clause in the lease was amended to allow the premises to be used to host non-member community based activities. JRHT was keen to see a wider use for the premises which would benefit the community and therefore was happy to agree to the amendment.

JRHT therefore acknowledges and encourages the use of the premises not only for bowling and social events related to the Club but wider more community based activities. However, whilst these activities are undoubtedly of community value, they are restricted to part of the Site and it is this aspect of the application which causes JRHT concern.

The Extent of the Use

The attached plan shows the extent of the building which is used by the Club. The building is on two floors and part of each floor (outside the areas shown hatched red on the plan) is occupied by JRHT as a depot and offices. There is a separate entrance on the ground floor into those offices from the eastern side of the building. The majority of the land outside the building is currently in use as a car park. The plan therefore

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Philip Callow

30 October 2014



clearly demonstrates that a significant part of the Site is not being used for purposes which would "further the social wellbeing or the social interests of the local community" and therefore cannot be considered to be of community value.

The Localism Act 2011 ("the Act")

Section 90 of the Act provides that a Council must accept a community nomination if the land nominated is in the Council's area and is of community value. If they accept the nomination, the Council must also include the land in the list of assets of community value. As a significant part of the Site is not of community value, there is insufficient evidence to justify the acceptance of the nomination and the Council has no alternative under the legislation but to advise the Club that their nomination has been unsuccessful.

The Council may be aware that JRHT is considering proposals to redevelop that part of the Site which is not the subject of the lease to the Club. Indeed, it seems likely that these proposals have been the catalyst for the Club making the application in the first place. JRHT recognises that the existence or otherwise of its redevelopment proposals is not a matter which is directly relevant to the Council's consideration of the question as to whether the Site has community value and that the Council has to base its decision on the nature of its current use. As we have already demonstrated, a large proportion of the Site is not of community value. Nevertheless, the Council can be assured that, as can be seen from the recent changes to the permitted user in the lease, JRHT are extremely supportive of the Club's activities in the community and their redevelopment plans will be designed to ensure that the Club's activities and their lease remain unaffected. The Club (and the Council) therefore need have no concerns that JRHT's future redevelopment plans will limit their community based activities.

I look forward to receiving your confirmation that the Council has decided not to enter the land on the list of assets.

Yours sincerely

A handwritten signature in black ink that reads 'Marian E. Griffiths'.

Marian Griffiths
Director - Technical
for DWF LLP

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List of Assets of Community Value - Successful Nominations

NOMINATION DETAILS				INTENTION TO DISPOSE DETAILS					
Name of Asset	Address of Asset	Nominating Community Interest Group	Date Listed	Date owner announced intention to dispose	Date interim moratorium period will end	Date full moratorium period triggered	Community interest group that triggered full moratorium period	Full moratorium end date	Protected period end date
Golden Ball	2 Cromwell Road Bishophill York YO1 6DU	Friends of the Golden Ball	17/07/2014						
The Fox Inn	168 Holgate Road York YO24 4DQ	Save the Fox Inn	17/07/2014						
The Mitre Public House	Shipton Road York YO30 5XF	Rawcliffe Parish Council	06/03/2014						

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Decision Session – Cabinet Member for Finance and Performance

Thursday 20 November 2014

Annex of Additional Comments received since the agenda was published.

Agenda item	Report Title	Received from	Comments
4	<p>Applications for Community Right to Bid under the Localism Act 2011</p> <p>- New Earswick and District Indoor Bowls Club, Huntington Road</p>	<p>Ward Councillors for Huntington & New Earswick</p>	<p>As the Ward Councillors where these premises are situated we would fully support declaring the Bowls Club as an Asset of Community Value. Besides being a well used club with many hundreds of members from throughout the city, providing much needed sporting facilities, it also helps provide a social gathering place for many people. The excellent facilities, which the Club are always striving to improve through their own fund raising activities, provides an opportunity to residents of York, especially those who are less likely, or unable, to take part in sporting activity outside and to interact with other people in a friendly atmosphere.</p> <p>Over the last 10 years they have managed to promote inclusion of all members of the community by collaborating with the City Council and many charities. They provide a safe and secure setting for those with disabilities allowing them to take part in sports covered by the umbrella of Special Olympics that has allowed our athletes to compete at national and international level. Without these facilities and the cooperation of the Club then it is likely that this specialist area will be lost.</p> <p>The Club has hosted many Ward Meetings/Residents Forum over the years and indeed this matter was first raised with the Leader at a Community Conversations event. He was very supportive of the application and indeed raised it immediately with the Cabinet Member straight after the meeting.</p>

Agenda item	Report Title	Received from	Comments
			<p>The letter from JRHT's solicitors highlights various matters and I believe that these have been clarified by the Club.</p> <p>We would urge the Cabinet Member to allow this application based on the forms submitted, and thereby ensure the future of New Earswick Indoor Bowls club and all the good work they do.</p> <p>Keith Hyman, Carol Runciman & Keith Orrell</p>