

DELEGATED DECISION

REGENERATION AND LOCAL SERVICES

**APPLICATION TO LIST CLEVESFERYE HOUSE
FERRYHILL AS AN ASSET OF COMMUNITY
VALUE**



MARCH 2018

Report of Stuart Timmiss, Head of Spatial Policy, Planning, Assets and Environment

Purpose of the report

1. To consider an application received from the Immanuel Christian Fellowship to list Clevesferye House in Ferryhill as an Asset of Community Value.

Background

2. The Localism Act was enacted in November 2011 and the Assets of Community Value (England) Regulations, which together embodies the Community Right to Bid, were commenced at the same time as the Regulations came into force, both on 21st September 2012.
3. The provisions give local communities the opportunity to identify assets of community value that they believe to be of importance to their community's well-being and have them listed. When they are put up for sale, they will be given a time to raise finance and prepare a bid to buy that asset on the open market.
4. The legislation places a requirement on the County Council to consider requests and to include them on a list of Community Assets and maintain the list.
5. It is open to parishes and community organisations, including neighbourhood forums to nominate local assets to their local authority, to be included on the list of assets of community value. The body must have a local connection and can include and neighbouring parish councils
6. It can be listed if a principal use of the asset furthers (or has recently furthered) their community's social well-being or social interests (which include cultural, sporting or recreational interests) and is likely to do so in the future
7. If the nominated asset is properly nominated, is in the local authority's area, meets the definition, and is not excluded, the local authority must list it and

inform all affected parties (and the parish council). They must also place the asset on the local land charges register and, if the land is registered, apply for a restriction on the Land Register.

8. Once an asset has been listed nothing further will happen unless and until the owner decides to dispose of it, either through a freehold sale, or the grant or assignment of a qualifying lease (i.e. originally granted for at least twenty-five years).
9. Unless an exemption applies, the owner will only be able to dispose of the asset after a specified window has expired.
10. The first part of this window is the six week interim period, which will apply in all cases, and which will allow community interest groups to make a written request to be treated as a potential bidder. If none do so in this period, the owner is free to sell their asset at the end of the six weeks.
11. If a community interest group does make such a request during this interim period, then the full six month moratorium will operate. During this period the owner may continue to market and negotiate sales, but may not exchange contracts (or enter into a binding contract to do so later). There is one exception. The owner may sell to a community interest group during the moratorium period.
12. After the moratorium period – either six weeks if there has been no community interest, or the full six months – the owner is free to sell to whomever they choose. No further moratorium will apply during an eighteen month protected period.
13. These provisions do not restrict in any way who the owner of a listed asset can sell his property to, or at what price, nor do they confer a right of first refusal to community interest groups.

Current Position

1. The Council has received an application from the Immanuel Christian Fellowship to list Clevesferye House in Ferryhill as an Asset of Community Value. The property is owned by the County Council.
2. The Community Right to Bid Working Group ("the Panel"), which comprises of representatives from Assets, Legal Services and Partnerships and Community Engagement have considered the application. When making a decision in respect of any application the Council has to give due consideration to the legislative provisions.
3. The first consideration for the Panel is whether the application meets the requirements of section 89 (1) (a) of the Localism Act 2011 ("the Act") in that it is a community nomination. Section 89 (2) (b) (iii) provides that for the purposes of the Act a "community nomination" means inter alia a nomination by a person that is a voluntary or community body with a local connection.

Regulation 5 (1) (c) of the Assets of Community Value (England) Regulations 2012 (the Regulations) further state that a voluntary or community body includes an unincorporated body whose members include at least 21 individuals and which does not distribute any surplus it makes to its members.

4. Regulations 4 (1) (c) of the Regulations also define having a local connection with land in a local authority's area in the case of an unincorporated association as having at least 21 local members.
5. Having considered the evidence before it, the Panel accepts that the application meets the requirements of a community nomination.
6. The Panel then considered whether the nominated land is an asset of community value taking into account those factors which are relevant to the statutory definition of land of community value.
7. Having considered the application, the Panel considers that Clevesferye House has not ever been a community facility with the most recent use as offices commencing around 2008. This was a back office function with only limited access by the public. Prior to the office use it was a children's home and before that and it was originally developed in the mid 1970's as an aged person's home. The nominee has failed to establish any community use and has not demonstrated how the building would enrich or enhance the sense of community in Ferryhill.
8. The Panel is therefore of the opinion that the application should be rejected.

Recommendations and reasons

9. Under the Councils Scheme of Delegations, the Head of Planning and Assets has responsibility to authorise an assets formal listing as an Asset of Community Value and it is recommended that power is exercised to refuse the application to list Clevesferye House as an Asset of Community Value.

Background papers

- I. Application Form

Contact: Gerard Darby Tel: 03000 267024

Appendix 1: Implications

Finance – Would delay the marketing of the land by 6 months if the owner, the County Council, chose to sell.

Staffing – None

Risk – None

Equality and Diversity - None

Accommodation – None

Crime and Disorder - None

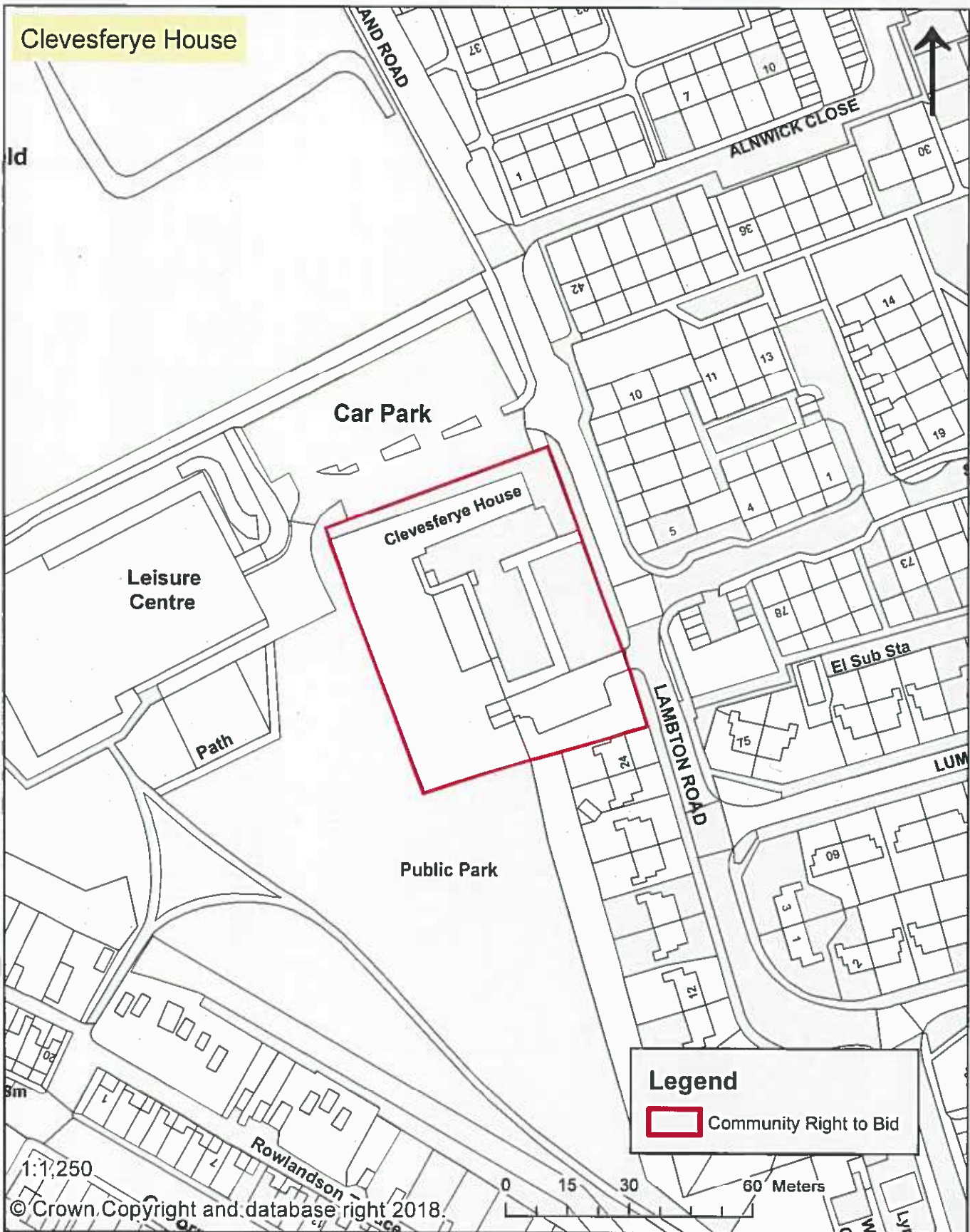
Human Rights - None

Consultation – Local Members advised and no comments received

Procurement - None

Disability Discrimination Act - None

Legal Implications - Legislation requires implementation and Legal Charge registered for the property.



Clevesferye House

Car Park

Leisure Centre

Path

Clevesferye House

Public Park

Legend

 Community Right to Bid

1:1,250

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