

South Lakeland District Council
Delegated Executive Decisions

Date of Proposed Decision: Thursday, 11 April 2019

Nomination to list Asset of Community Value

Portfolio:	Cllr Philip Dixon - Health and Wellbeing Portfolio Holder
Decision Maker:	Simon Rowley - Director of Customer and Commercial Services
Report Author:	Tom Dugdale – Research and Information Officer
Wards:	Ulverston East;
Forward Plan:	N/A

1.0 Expected Outcome

- 1.1 Entry of the Roxy Cinema and Laurel & Hardy Museum in Ulverston onto the list of successful nominations of Assets of Community Value.

2.0 Proposed Decision

- 2.1 It is recommended that the Roxy Cinema and Laurel & Hardy Museum, Ulverston as identified on the plan attached be entered onto South Lakeland District Council's list of successful nominations of Assets of Community Value.**

3.0 Background and Proposals

- 3.1 A nomination to list an asset of community value was submitted by Ulverston Community Enterprises Ltd on 8th March 2019.
- 3.2 The Art Deco building, situated in the centre of Ulverston, is home to the Roxy Cinema and Laurel & Hardy Museum. There is also currently a health club (Henry Armer gym) to the rear of the building.
- 3.3 In accordance with s89(2)(b)(iii) of the Localism Act 2011, Ulverston Community Enterprises Ltd are eligible to make a community nomination in respect of the asset and have a local connection.
- 3.4 Section 88 of the Localism Act 2011 sets out those uses of land which may result in a property being considered an asset of community value. They are uses that further either the social wellbeing or social interests of the local community. It goes on to say that such use cannot be an "ancillary use".
- 3.5 The Roxy is the only cinema within the town and the applicant states that, along with the museum, the asset is seen as an essential hub of community life in the town of Ulverston and beyond. Substantial evidence has been submitted by the applicant to show that the asset furthers the social well-being and social interest of the community in various ways. In particular, the museum provides space for local community groups to host events and raise funds for vulnerable and disadvantaged members of the community (evidence of this is attached in Appendix 1 and Appendix 4).

- 3.6 There is a strong feeling from the local community and local businesses that the asset should be secured for the good of the town. However, concerns have been raised by local district councillors regarding the ability to raise the funds for purchase and the general poor state of repair of the building.
- 3.7 The nomination must show evidence that the asset can realistically continue to be used for this or another qualifying community purpose (or this could be achieved within the next 5 years). The applicant has submitted convincing evidence that the asset could realistically continue to be used for its current purposes were they to take it on. The applicant also has a proven track record in the running of the Coronation Hall and Ulverston Markets (evidence of this attached in Appendix 4).
- 3.8 The Roxy Cinema and Laurel & Hardy Museum meet the criteria necessary to be accepted as assets of community value. It is also clear that this nomination is in the spirit of the legislation that gives communities the right to nominate assets.

4.0 Consultation

- 4.1 The Council notified the owner (Mr David Armer) of the nomination. The building was on the market in 2018 for a period of time before being removed. It returned to the market in February 2019 at a substantially reduced rate.
- 4.2 The assessment of the nomination was carried out by Officers from the Partnerships and Organisational Development Team.
- 4.3 The recommendation has been approved by the Council's Locum Property and Contracts Lawyer.
- 4.4 In line with the Cabinet decision on 20 March 2019, delegated authority is given to the Director of Customer and Commercial Services, in consultation with the Health and Wellbeing Portfolio Holder, to make the determination as to whether the nominated asset is added to the list.
- 4.5 In accordance with Section 91 of the Localism Act 2011 the Council will send notice to all relevant parties of its decision in respect of the nomination.
- 4.6 The District Councillors for the Ulverston East ward, and Ulverston Town Council have been informed of the nomination.

5.0 Alternative Options

- 5.1 There is no alternative as to decline the nomination would contravene the legislation. Under Section 89 of the Localism Act 2011, the Council can only enter assets onto the list of assets of community value in response to community nominations.

6.0 Links to Council Priorities

- 6.1 Ambitions of the Council Plan 2019 are as follows; 'We will create opportunities for young people by using culture and built heritage to support our unique offer' and 'Improve quality of life by working with communities to reduce isolation and loneliness'.

7.0 Implications

Financial, Resources and Procurement

- 7.1.1 There are no financial or resources implications.

Human Resources

- 7.2.1 There are no human resources implications.

Legal

7.3.1 Under Section 87 of the Localism Act 2011 the Council must maintain a list of assets of community value.

7.3.2 Section 88 of the Localism Act 2011 states that a building or other land is an asset of community value if, in the opinion of the authority;

- The current (non-ancillary) use of the building or other land furthers the social wellbeing or social interests of the local community and
- it is realistic to think that there can continue to be a non-ancillary use of the building or other land which will further the social wellbeing or social interests of the local community.

A building or other land is not an asset of community value if, in the opinion of the local authority;

- In the recent past the actual use of the building or other land was not used to further the social wellbeing or interests of the local community.
- There is evidence that there is no non-ancillary use of the building or other land which can further the social wellbeing or social interests of the local community.

Health, Social, Economic and Environmental

7.4.1 A sustainability impact assessment has not been carried out. A building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act 2011 states that social interests include cultural, recreational and sporting interests.

7.4.2 The inclusion of assets on the List of Assets of Community Value is recorded as a local land charge under the Local Land Charges Act 1975. The Council is required under Schedule 4 of the Assets of Community Value (England) Regulation 2012 to apply to the Land Registry for a restriction to be added to the registered title of the land that “no transfer or lease is to be registered without a certificate signed by a conveyancer that the transfer or lease did not contravene Section 95(1) of the Localism Act 2011”.

Equality and Diversity

7.5.1 Have you completed an Equality Impact Analysis? No

7.5.2 The Impact Assessment published by Department for Communities and Local Government (DCLG) indicates there are no foreseeable adverse impacts on any single equality group arising out of the legislation relating to Assets of Community Value.

Risk

Risk	Consequence	Controls required
The Council fails to meet the statutory deadlines for responses and publication of lists	The Council faces challenge on the way in which it addresses nominations for Assets of Community Value	Appropriate procedures put in place to achieve the Council's obligations
The Council may be required to bear the burden of administering any initial appeals in respect of	The Council's financial and other resources would be	Appropriate procedures put in place to achieve the Council's obligations

Risk	Consequence	Controls required
either nominations or compensation decisions	used to address any appeal	
Listed assets of community value not added to the local land charge register	Reputational challenge	Appropriate procedures put in place to achieve the Council's obligations

Contact Officers

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Appendices Attached to this Report

Appendix No.	Name of Appendix
1	The Roxy and Laurel and Hardy Museum_Ulverston_ACV Nomination – submitted by Ulverston Community Enterprises Ltd
2	Ulverston Community Enterprises Ltd_Vision – submitted by Ulverston Community Enterprises Ltd
3	The Roxy and Laurel and Hardy Museum_Ulverston_ACV Nomination Map – submitted by Ulverston Community Enterprises Ltd
4	The Roxy and Laurel and Hardy Museum_Ulverston_ACV Assessment Form – submitted by SLDC Research and Information Officer

Background Documents Available

Name of Background document	Where it is available
Community Right to Bid: Non-statutory advice for local authorities	DCLG Website
Assets of Community Value and the Localism Act – how it works in practice	St John's Chambers Website

Tracking Information

Signed off by	Date sent
Legal Services	21/03/2019
Section 151 Officer	21/03/2019
Monitoring Officer	21/03/2019
SMT	N/A

Circulated to	Date sent
Assistant Director	21/03/2019
Human Resources Manager	N/A
Communications Team	N/A
Leader	N/A
Committee Chairman	N/A
Portfolio Holder	21/03/2019
Ward Councillor(s)	N/A
Committee	N/A
Executive (Cabinet)	N/A

Circulated to	Date sent
Council	N/A

Note – Report authors must consult the relevant Portfolio Holder, members of the Senior Management Team, the Monitoring Officer, and any other interested parties before a decision can be taken. If any objections are received, they must be reported at the meeting before the decision is taken.

Signed by:-	Title:-